

EXHIBIT 21

Video Deposition of John Cadden

January 31, 2024

Hendrix v. CRC Insurance Services, Inc., et
al.

2:21-CV-0300-MHH



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<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 NORTHERN DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 CASE NUMBER: 2:21-CV-0300-MHH</p> <p>6</p> <p>7 KATHRYN HENDRIX,</p> <p>8 Plaintiff,</p> <p>9 vs.</p> <p>10 CRC INSURANCE SERVICES, INC., TRUIST FINANCIAL</p> <p>11 CORP., and TRUIST BANK,</p> <p>12 Defendants.</p> <p>13</p> <p>14</p> <p>15 VIDEO DEPOSITION TESTIMONY OF:</p> <p>16 JOHN CADDEN</p> <p>17</p> <p>18</p> <p>19 JANUARY 31, 2024</p> <p>20 1:39 P.M.</p> <p>21</p> <p>22</p> <p>23</p>	<p style="text-align: right;">Page 3</p> <p>1 of the trial, or at the time said deposition is</p> <p>2 offered in evidence, or prior thereto.</p> <p>3 IT IS FURTHER STIPULATED AND AGREED</p> <p>4 that notice of filing of the deposition by the</p> <p>5 Commissioner is waived.</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
<p style="text-align: right;">Page 2</p> <p>1 S T I P U L A T I O N</p> <p>2 IT IS STIPULATED AND AGREED by and</p> <p>3 between the parties through their respective</p> <p>4 counsel that the video deposition of JOHN CADDEN</p> <p>5 may be taken before Tanya D. Cornelius, RPR,</p> <p>6 CSR, and Notary Public, at the offices of</p> <p>7 Wilkinson Law Firm, P.C., 1717 3rd Avenue North,</p> <p>8 Suite A, Birmingham, Alabama, on the 31st day of</p> <p>9 January, 2024, commencing at approximately 1:39</p> <p>10 p.m.</p> <p>11 IT IS FURTHER STIPULATED AND AGREED</p> <p>12 that the signature to and the reading of the</p> <p>13 deposition by the witness is NOT waived, the</p> <p>14 deposition to have the same force and effect as</p> <p>15 if full compliance had been had with all laws</p> <p>16 and rules of Court relating to the taking of</p> <p>17 depositions.</p> <p>18 IT IS FURTHER STIPULATED AND AGREED</p> <p>19 that it shall not be necessary for any</p> <p>20 objections to be made by counsel to any</p> <p>21 questions, except as to form or leading</p> <p>22 questions, and that counsel for the parties may</p> <p>23 make objections and assign grounds at the time</p>	<p style="text-align: right;">Page 4</p> <p>1 I N D E X</p> <p>2 EXAMINATION BY: PAGE NUMBER</p> <p>3 MS. WILKINSON 8</p> <p>4</p> <p>5 * * * * *</p> <p>6</p> <p>7 EXHIBIT INDEX</p> <p>8 PLAINTIFF'S EXHIBIT NO: PAGE NUMBER</p> <p>9 58 Rule 26 Disclosures 25</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

<p style="text-align: right;">Page 5</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 FOR THE PLAINTIFF:</p> <p>4 PALMER LAW, LLC</p> <p>5 BY: Leslie A. Palmer, Esq.</p> <p>6 104 23rd Street South, Suite 100</p> <p>7 Birmingham, Alabama 35233</p> <p>8</p> <p>9 WILKINSON LAW FIRM, P.C.</p> <p>10 BY: Cynthia Forman Wilkinson, Esq.</p> <p>11 1717 3rd Avenue North, Suite A</p> <p>12 Birmingham, Alabama 35203</p> <p>13</p> <p>14</p> <p>15 FOR THE DEFENDANTS:</p> <p>16 BAKER, DONELSON, BEARMAN, CALDWELL</p> <p>17 & BERKOWITZ, P.C.</p> <p>18 BY: Rachel Barlotta, Esq.</p> <p>19 420 North 20th Street, Suite 1400</p> <p>20 Birmingham, Alabama 35203</p> <p>21</p> <p>22 ALSO PRESENT: William Byrd, Videographer</p> <p>23 Kat Hendrix</p>	<p style="text-align: right;">Page 7</p> <p>1 Division, Case Number 2:21-CV-0300-MHH.</p> <p>2 Counsel, please identify yourselves</p> <p>3 for the record, starting with the plaintiff.</p> <p>4 MS. WILKINSON: Cynthia Wilkinson for</p> <p>5 the plaintiff, Kathryn Hendrix.</p> <p>6 MS. PALMER: Leslie Palmer for the</p> <p>7 plaintiff, Kathryn Hendrix.</p> <p>8 MS. BARLOTTA: Rachel Barlotta for</p> <p>9 CRC Insurance and Truist.</p> <p>10 VIDEOGRAPHER: Will the court</p> <p>11 reporter please administer the oath to the</p> <p>12 witness.</p> <p>13</p> <p>14 JOHN CADDEN,</p> <p>15 being first duly sworn, was</p> <p>16 examined and testified as follows:</p> <p>17</p> <p>18 THE REPORTER: Will this be usual</p> <p>19 stipulations?</p> <p>20 MS. BARLOTTA: We're going to read</p> <p>21 and sign. Thank you.</p> <p>22 MS. WILKINSON: Otherwise, yes.</p> <p>23</p>
<p style="text-align: right;">Page 6</p> <p>1 I, Tanya D. Cornelius, RPR, CSR, and</p> <p>2 Notary Public, acting as Commissioner, certify</p> <p>3 that on this date, as provided by the Federal</p> <p>4 Rules of Civil Procedure, and the foregoing</p> <p>5 stipulation of counsel, there came before me at</p> <p>6 the offices of Wilkinson Law Firm, P.C., 1717</p> <p>7 3rd Avenue North, Suite A, Birmingham, Alabama,</p> <p>8 beginning at 1:39 p.m., JOHN CADDEN, witness in</p> <p>9 the above cause, for oral examination, whereupon</p> <p>10 the following proceedings were had:</p> <p>11</p> <p>12</p> <p>13 VIDEOGRAPHER: We are on the record.</p> <p>14 It is January 31st, 2024 at 1:39 p.m. Central</p> <p>15 Standard Time. My name is William Byrd, and the</p> <p>16 court reporter is Tanya Cornelius. We're here on</p> <p>17 behalf of Cite Court Reporting of Montgomery,</p> <p>18 Alabama.</p> <p>19 This is the video deposition of John</p> <p>20 Cadden, which was noticed by Cynthia Wilkinson,</p> <p>21 for case Hendrix V. CRC Insurance Services, Inc.,</p> <p>22 et al., in the United States District Court for</p> <p>23 the Northern District of Alabama, Southern</p>	<p style="text-align: right;">Page 8</p> <p>1 EXAMINATION</p> <p>2 BY MS. WILKINSON:</p> <p>3 Q. Mr. Cadden, will you state your full</p> <p>4 name for the record?</p> <p>5 A. John Charles Cadden.</p> <p>6 Q. Mr. Cadden, I'm Cynthia Wilkinson. I</p> <p>7 introduced myself earlier, and I'm one of the</p> <p>8 lawyers that represents Kathryn Hendrix in her</p> <p>9 lawsuit that she's filed against CRC and Truist,</p> <p>10 and we're here today to take your deposition.</p> <p>11 Have you ever been deposed before?</p> <p>12 A. I have.</p> <p>13 Q. How many times?</p> <p>14 A. This will be my third.</p> <p>15 Q. Okay. And did any of the prior</p> <p>16 depositions have anything to do with CRC or</p> <p>17 Truist?</p> <p>18 A. Yes.</p> <p>19 Q. What were they about? What were the</p> <p>20 lawsuits about?</p> <p>21 A. One was an errors and omissions</p> <p>22 claim, and the other one was -- it was also an</p> <p>23 errors and omissions claim.</p>

<p style="text-align: right;">Page 9</p> <p>1 Q. You said there were three.</p> <p>2 A. Well, this will be the third.</p> <p>3 Q. Did any of those have to do with any</p> <p>4 employees making any complaints?</p> <p>5 A. No.</p> <p>6 Q. What did you do to prepare for your</p> <p>7 deposition today?</p> <p>8 A. I met with my lawyer.</p> <p>9 Q. And I don't want to know today about</p> <p>10 anything that you've discussed with counsel for</p> <p>11 CRC or Truist. That's confidential. I don't</p> <p>12 want to know. When did you meet with your</p> <p>13 lawyer, though?</p> <p>14 A. Yesterday -- no, two days ago.</p> <p>15 Q. And how long did you meet?</p> <p>16 A. From about 10:00 to about 1:15.</p> <p>17 Q. Did you review any documents?</p> <p>18 A. Oh, yeah.</p> <p>19 Q. Do you recall what documents you</p> <p>20 reviewed?</p> <p>21 A. Some text messages, some payroll</p> <p>22 information. I think that was about it.</p> <p>23 Q. And the text messages that you</p>	<p style="text-align: right;">Page 11</p> <p>1 A. I did actually.</p> <p>2 Q. Do you recall what you said in your</p> <p>3 message?</p> <p>4 A. Basically what I said in my text</p> <p>5 message.</p> <p>6 Q. Why did you reach out to Kathryn</p> <p>7 Hendrix?</p> <p>8 A. Ron Helveston called me in his office</p> <p>9 and said that he had had breakfast with her. I</p> <p>10 believe it was a breakfast meeting, I believe,</p> <p>11 and that she was unhappy and for me to -- he</p> <p>12 would appreciate it if I could reach out to her</p> <p>13 and see if I could see what the problem was and</p> <p>14 see if I could fix it, which I did.</p> <p>15 Q. And did Mr. Helveston say anything</p> <p>16 else about Kathryn's complaints, why she was</p> <p>17 unhappy?</p> <p>18 A. I don't recall.</p> <p>19 Q. I'm sorry?</p> <p>20 A. I don't recall. That was four years</p> <p>21 ago.</p> <p>22 Q. Did the conversation you had with Mr.</p> <p>23 Helveston take place over the phone or in person?</p>
<p style="text-align: right;">Page 10</p> <p>1 reviewed, who -- what were the individuals that</p> <p>2 were involved in either sending or receiving</p> <p>3 those text messages?</p> <p>4 A. It was one -- well, the only text</p> <p>5 message was from me to Kathryn Hendrix.</p> <p>6 Q. And what was that about?</p> <p>7 A. I reached out to see how she was</p> <p>8 doing, asked her to call me. I called her -- I</p> <p>9 called before I texted her actually, and she</p> <p>10 chose not to respond back to either one of those.</p> <p>11 Q. When you called her, did you call her</p> <p>12 on a personal phone or a phone that was owned by</p> <p>13 either CRC or Truist?</p> <p>14 A. I called her on my CRC phone.</p> <p>15 Q. And did she at some point have a</p> <p>16 phone that was issued by either CRC or Truist, a</p> <p>17 company phone?</p> <p>18 A. I don't know.</p> <p>19 Q. Do you recall when you called Kat</p> <p>20 Hendrix?</p> <p>21 A. It's in my phone. I could find that</p> <p>22 for you if you would like.</p> <p>23 Q. Did you leave a message?</p>	<p style="text-align: right;">Page 12</p> <p>1 A. No, it was in his office.</p> <p>2 Q. Was anybody else present?</p> <p>3 A. No.</p> <p>4 Q. Do you know how long that</p> <p>5 conversation took?</p> <p>6 A. I don't know, a few minutes. I would</p> <p>7 say ten minutes. I'm sure we talked about other</p> <p>8 things as well.</p> <p>9 Q. So the testimony has been that</p> <p>10 Kathryn and Mr. Helveston had -- they met for --</p> <p>11 at a restaurant, and Kathryn complained to Mr.</p> <p>12 Helveston, and this was sometime in June of 2019.</p> <p>13 Do you recall when you had this conversation with</p> <p>14 Ron Helveston?</p> <p>15 MS. BARLOTTA: Object to form.</p> <p>16 A. It was -- it's going to be on the</p> <p>17 text message. It was the same day of the text</p> <p>18 message that I sent.</p> <p>19 Q. And was it the same day that Mr.</p> <p>20 Helveston had spoken with Kathryn Hendrix?</p> <p>21 A. I do not know.</p> <p>22 Q. Tell me everything you recall about</p> <p>23 that conversation that Mr. Helveston said.</p>

<p>Page 13</p> <p>1 A. Like I said, he asked me to call her, 2 she was unhappy, see if I could figure out what 3 was wrong, and how to make her happy. I did. 4 She didn't respond back. 5 Q. And did you ask Mr. Helveston any 6 questions when he told you to contact Kathryn 7 Hendrix? 8 A. No. 9 Q. Did you ask him why Kat was unhappy? 10 A. I don't recall. I don't know. That 11 was four years ago. I don't know. 12 Q. So you could have? You just don't 13 recall? 14 MS. BARLOTTA: Object to form. 15 A. I don't recall, no. I don't recall. 16 Q. And for the record, Kat -- Kathryn 17 goes by Kat as well; is that your understanding? 18 A. I'm not that close with her. I don't 19 know. 20 Q. What did you refer to her as, 21 Kathryn? 22 A. Kathryn. 23 Q. And do you know how long Kathryn had</p>	<p>Page 15</p> <p>1 really quickly -- by the way, I love your 2 glasses. 3 A. Thank you. 4 Q. In depositions we have to be sure -- 5 because while there is a video, the court 6 reporter is also taking down a transcript. So if 7 you would, just be sure to answer verbally -- 8 A. Sure. 9 Q. -- yes or no. I say uh-huh (positive 10 response) and huh-uh (negative response) because 11 I grew up southern. So if you do that, I might 12 try to correct you to say yes or no. 13 A. Sure. 14 Q. I'm not trying to be rude. I just 15 want to make sure the record is clear. 16 A. No. 17 Q. So you had not seen this prior to 18 counsel showing it to you last week? 19 A. Correct. Earlier this week. 20 Q. Earlier this week. So do you know 21 where that document, that chart came from? 22 A. I mean, it was generated in our 23 computer system, but that's about all I've got</p>
<p>Page 14</p> <p>1 been employed at the time that you had this 2 conversation with Mr. Helveston? 3 A. I don't. 4 Q. It had been many years, though, 5 right? 6 MS. BARLOTTA: Object to form. 7 A. I don't know. We can go back and 8 look, but -- 9 Q. Sure. Let me show you a document 10 that might help. At least I hope it will. 11 Let me show you, Mr. Cadden, what we 12 previously marked as Plaintiff's Exhibit 27. 13 Have you ever seen this document before? 14 A. I have. 15 Q. And when did you see this document? 16 A. Tuesday. Tuesday, I believe. 17 Earlier this week. 18 Q. In preparation for your deposition? 19 A. Yes. 20 Q. Yes? 21 A. Yes. 22 Q. And, Mr. Cadden, one of the things 23 that I didn't go over, but let me go over it</p>	<p>Page 16</p> <p>1 for you. 2 Q. You don't know who generated it? 3 A. I have no idea. 4 Q. Did you see Kathryn Hendrix's EEOC 5 charge? 6 A. I did not. 7 Q. Did you know that she filed a charge 8 of discrimination? 9 A. I did. 10 Q. How did you find out about that? 11 A. I believe Stefani Petty in our HR 12 department let me know that. 13 Q. And when did Ms. Petty let you know 14 that Kathryn had filed a charge of 15 discrimination? 16 A. I can't recall exactly. I'm sure it 17 was right after that happened. 18 Q. What did she tell you about the 19 charge? 20 MS. BARLOTTA: No, no, no. The Court 21 has already ruled they can't get into this. 22 We're not going to talk about that. 23 Q. What do you understand that Ms.</p>

<p style="text-align: right;">Page 17</p> <p>1 Hendrix was complaining about when she filed her 2 charge with the EEOC? 3 MS. BARLOTTA: Object to form. If 4 that involves anything that was discussed in that 5 call, you shouldn't testify as to that. 6 A. I do not -- I can't recall. 7 Q. You just don't know? 8 A. I don't. It's something that our HR 9 people took off running with, and I'm not 10 involved in that day-to-day. 11 Q. Okay. We'll come back to that. 12 Looking at Plaintiff's Exhibit 27, do 13 you see Ms. Hendrix's name? 14 A. I do. 15 Q. And what is her hire date? 16 A. It looks like 10/1/23 -- no, I'm 17 sorry -- 2006. 18 Q. Okay. So she had -- by the time -- 19 and we're going back to this conversation with 20 Mr. Helveston. By the time that you had had this 21 conversation with Mr. Helveston about Kathryn 22 being unhappy, she had been working there -- and 23 this happened in 2019 -- for almost, what,</p>	<p style="text-align: right;">Page 19</p> <p>1 Q. Okay. And prior to being president, 2 had you worked for CRC or Truist? 3 A. Yes. 4 Q. What was your position prior to being 5 president? 6 A. I was a property broker. 7 Q. How long were you a property broker? 8 A. Well, I still am. I've been there 9 since 1990. 10 Q. So you have a dual role as president 11 and property broker? 12 A. I do. 13 Q. And was Kathryn in the property 14 department? 15 A. She was not. 16 Q. And tell me how long you were just a 17 property broker before you became president. How 18 long were you a property broker? 19 A. From 1990 until 2009, I believe. 20 Q. Okay. Any other job title that you 21 have held with either CRC or Truist? 22 A. No. 23 Q. Were you hired on in 1990?</p>
<p style="text-align: right;">Page 18</p> <p>1 thirteen years? 2 A. At the time. 3 MS. BARLOTTA: Object to form. 4 Q. And during that thirteen-year time 5 period, were you also employed at CRC or Truist? 6 A. I was. 7 Q. And did you know who Kathryn Hendrix 8 was at the time that you had this conversation 9 with Mr. Helveston? 10 A. I did. 11 Q. Okay. And does CRC or Truist have a 12 policy where they like to keep good employees? 13 MS. BARLOTTA: Object to form. 14 A. We want to keep all good employees. 15 I don't think we have a policy about that, but -- 16 Q. And your current position is what? 17 A. Office president. 18 Q. And how long have you been the 19 president? 20 A. 2009, I believe. 21 Q. And is that for the Birmingham office 22 or does it extend beyond Birmingham? 23 A. The Birmingham office.</p>	<p style="text-align: right;">Page 20</p> <p>1 A. I was. 2 Q. And as the president, and even as a 3 property broker, do you like to keep good 4 employees? 5 MS. BARLOTTA: Object to form. 6 A. Yes. 7 Q. And does it cost the company money to 8 train new employees? 9 MS. BARLOTTA: Object to form. 10 A. Yes. 11 Q. And to your knowledge, by the time 12 that you had this conversation with Mr. 13 Helveston, was Kathryn a good employee? 14 MS. BARLOTTA: Object to form. 15 A. I never had any dealings with her. 16 I'm not sure. She reported to somebody else 17 besides me. 18 Q. Are you aware of any issues with her 19 performance at the time that you were having this 20 conversation with Mr. Helveston? 21 A. No. 22 Q. And if you've got an employee that's 23 been there thirteen years and you're told that</p>

<p style="text-align: right;">Page 21</p> <p>1 they're unhappy, do you want to find out why?</p> <p>2 MS. BARLOTTA: Object to form.</p> <p>3 A. Yes.</p> <p>4 Q. And wouldn't it have been important</p> <p>5 to ask Mr. Helveston why?</p> <p>6 MS. BARLOTTA: Object to form.</p> <p>7 A. I thought it was more important to</p> <p>8 ask Ms. Hendrix, so I called her.</p> <p>9 Q. But would it be important to also ask</p> <p>10 Mr. Helveston?</p> <p>11 MS. BARLOTTA: Asked and answered.</p> <p>12 Object to the form.</p> <p>13 A. Sure. And we may have discussed it.</p> <p>14 That was --</p> <p>15 Q. You just don't know?</p> <p>16 A. That was four years ago. I'm sure we</p> <p>17 discussed it.</p> <p>18 Q. Okay. What was Mr. Helveston's title</p> <p>19 at the time that y'all had this conversation?</p> <p>20 A. He was president of the company, the</p> <p>21 entire brokerage division of the company.</p> <p>22 Q. Okay. And explain that to us for the</p> <p>23 record. You were the president for Birmingham,</p>	<p style="text-align: right;">Page 23</p> <p>1 worked about her being out, her being unhappy,</p> <p>2 anything about Kathryn Hendrix at that time?</p> <p>3 MS. BARLOTTA: Object to form.</p> <p>4 A. If I would have did it, it would have</p> <p>5 been Rusty Hughes. I'm sure -- it was his</p> <p>6 department, so I'm sure I would have reached out</p> <p>7 to Rusty.</p> <p>8 Q. Okay. Do you recall what you and</p> <p>9 Rusty would have talked about?</p> <p>10 MS. BARLOTTA: Object to form.</p> <p>11 A. I'm sure we would have talked about</p> <p>12 what was going on. I reached out to her, and she</p> <p>13 hadn't called me back at the time.</p> <p>14 Q. What did Rusty tell you?</p> <p>15 A. I don't recall that.</p> <p>16 Q. Do you recall anything that Rusty</p> <p>17 told you?</p> <p>18 MS. BARLOTTA: Object to form.</p> <p>19 A. I don't.</p> <p>20 Q. Did you take any notes or jot</p> <p>21 anything down when you had this conversation with</p> <p>22 Mr. Helveston or Rusty Hughes?</p> <p>23 A. I did not.</p>
<p style="text-align: right;">Page 22</p> <p>1 and he was president for the entire company.</p> <p>2 What's the difference?</p> <p>3 A. I oversee one office. He oversaw</p> <p>4 all -- I'm not sure how many offices we had at</p> <p>5 the time, but all the offices.</p> <p>6 Q. Do you recall any other offices?</p> <p>7 MS. BARLOTTA: Object to form.</p> <p>8 A. We have like fifty, every major city</p> <p>9 in the country, so --</p> <p>10 Q. Okay. Did you know at the time that</p> <p>11 you had this conversation with Mr. Helveston</p> <p>12 about Kathryn being unhappy and you tried to call</p> <p>13 her, that Kathryn was on family medical leave?</p> <p>14 A. I did not know that.</p> <p>15 MS. BARLOTTA: Object to form.</p> <p>16 Q. Did you have a conversation at that</p> <p>17 time -- when Mr. Helveston came to you and said</p> <p>18 Kathryn is unhappy and y'all discussed why, did</p> <p>19 you have any conversations with anybody in human</p> <p>20 resources?</p> <p>21 A. I can't recall that.</p> <p>22 Q. Did you have any conversations with</p> <p>23 anybody else in the department that Kathryn</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Do you recall sitting here today any</p> <p>2 of the reasons that you and Mr. Helveston</p> <p>3 discussed as to why Kathryn was unhappy?</p> <p>4 A. I do not.</p> <p>5 Q. Did Mr. Helveston indicate to you</p> <p>6 that Kathryn had issues with gender</p> <p>7 discrimination?</p> <p>8 MS. BARLOTTA: Object to form.</p> <p>9 Assumes facts not in evidence.</p> <p>10 A. I don't recall that.</p> <p>11 Q. Did Mr. Helveston indicate anything</p> <p>12 to you that Kathryn had raised issues or concerns</p> <p>13 that had anything to do with her being treated</p> <p>14 differently because of her gender?</p> <p>15 MS. BARLOTTA: Object to form.</p> <p>16 A. I don't recall any of that.</p> <p>17 Q. So you're not saying it didn't</p> <p>18 happen. You're just saying sitting here today</p> <p>19 you don't recall?</p> <p>20 MS. BARLOTTA: Object to form.</p> <p>21 A. Yeah, I'm saying I don't recall. He</p> <p>22 just asked me to call her, she was unhappy, and I</p> <p>23 did.</p>

<p>Page 25</p> <p>1 Q. Mr. Cadden, let me show you what I'm 2 going to mark as Plaintiff's Exhibit 58. 3 (Whereupon, Plaintiff's Exhibit No. 4 58 was marked for identification and a copy of 5 same is attached hereto.) 6 Q. These are initial Rule 26 7 disclosures, and that's a lawyer term for the 8 parties have to share information about potential 9 witnesses. 10 Did you know that your name was 11 listed as an individual that had discoverable 12 information regarding Kathryn Hendrix and her 13 claims? 14 A. I'm not sure exactly what you just 15 said, but -- 16 Q. Okay. 17 A. Maybe. I don't know. I'm not sure 18 what you said, so could you ask that question 19 differently maybe? 20 Q. Sure. Look at Number 6. It's on 21 Page 3, Mr. Cadden. 22 A. Okay. 23 Q. Do you see your name?</p>	<p>Page 27</p> <p>1 A. I didn't. 2 Q. -- reviews that Ms. Hendrix was 3 given? 4 A. No. 5 Q. Did anybody discuss her performance 6 with you at any time? 7 A. No. 8 Q. As president and a property broker, 9 would you have an occasion to have had any input 10 in any performance evaluation for Kathryn 11 Hendrix? 12 A. No. 13 Q. Okay. Did anybody raise any 14 performance issues to you about Kathryn Hendrix? 15 MS. BARLOTTA: Object to form. 16 A. No. 17 Q. When you had this conversation with 18 Mr. Helveston, did he tell you that he had 19 offered to move Kathryn to another department? 20 MS. BARLOTTA: Object to form. 21 A. I do not recall that. 22 Q. Okay. So you're not saying it didn't 23 happen. You're just saying you don't recall?</p>
<p>Page 26</p> <p>1 A. I do. 2 Q. And it says: Mr. Cadden was 3 Birmingham's office president and has knowledge 4 of plaintiff's job performance and the concerns 5 plaintiff voiced to Mr. Helveston. 6 Anything else that you recall about 7 the concerns that Kathryn Hendrix reported to Mr. 8 Helveston other than what you've already told us? 9 A. No. 10 Q. And what information do you have 11 about Kathryn Hendrix's job performance? 12 A. I'm sorry. Say that again. 13 Q. Sure. What information do you have 14 about Ms. Hendrix's job performance? 15 A. What are you specifically looking 16 for? I don't have anything about her job 17 performance. 18 Q. Okay. The -- 19 A. I'm sure there's a -- I don't have 20 any -- I don't have anything for her performance. 21 That goes to, what do you call it, performance 22 review possibly, but that's -- 23 Q. Did you review any performance --</p>	<p>Page 28</p> <p>1 MS. BARLOTTA: Object to form. 2 A. Yes, I don't recall. 3 Q. Okay. Did you and Mr. Helveston 4 e-mail each other at any point about Kathryn's 5 complaints to him? 6 A. Not to my knowledge, no. 7 Q. Did you or Mr. Helveston say anything 8 about contacting human resources with regard to 9 the complaints that Kathryn had reported to Mr. 10 Helveston? 11 MS. BARLOTTA: Object to form. 12 A. No. 13 Q. Where was HR located? 14 MS. BARLOTTA: Object to form. 15 Q. In 2019? 16 MS. BARLOTTA: Object to form. 17 A. North Carolina. 18 Q. Okay. There wasn't an on-site human 19 resources person in the Birmingham office? 20 A. No, not at that time. 21 Q. And who -- in 2019, do you recall who 22 would have been the head of human resources? 23 MS. BARLOTTA: Object to form.</p>

<p>Page 29</p> <p>1 A. I -- I don't recall. Stefani Petty 2 maybe. I'm not sure. 3 Q. And in 2019, had Stefani Petty ever 4 visited the Birmingham office? 5 MS. BARLOTTA: Object to form. 6 A. I'm sure she had. 7 Q. Do you recall specifically? I don't 8 want you to guess. I mean, do you recall her 9 coming to the office in 2019? 10 MS. BARLOTTA: Object to form. 11 A. No. 12 Q. Do you recall from -- I'm trying to 13 keep my time limits, you know, so you'll know 14 we're all on the same page what we're talking 15 about. 2019, 2020, do you have any idea if Ms. 16 Petty visited Birmingham and, if so, how often? 17 MS. BARLOTTA: Object to form. 18 A. I'm not sure she came at all. I 19 don't. 20 Q. While you've worked at CRC or 21 Truist -- and for the record, Truist purchased 22 CRC; is that correct? 23 A. Correct.</p>	<p>Page 31</p> <p>1 went into effect after Truist purchased CRC? 2 MS. BARLOTTA: Object to form. 3 A. Yes. 4 Q. Did CRC have an employee handbook 5 before Truist purchased CRC? 6 A. I'm sure we did. 7 Q. When Truist purchased CRC, was Truist 8 known at that time as BB&T? 9 A. Correct. 10 Q. Did you have any involvement or 11 participation in the sale of CRC to Truist? 12 A. No. 13 Q. Who did? 14 A. The board, CRC board. 15 Q. And would Mr. Helveston have been 16 involved with that? 17 A. Yes. 18 Q. Okay. Did anybody discuss with you, 19 Mr. Helveston, or anybody, about BB&T taking over 20 CRC? 21 A. Not until after they did. 22 Q. And did you have any concerns about 23 that happening?</p>
<p>Page 30</p> <p>1 Q. Okay. Do you recall what year? 2 A. 2000, I believe, 2001. 3 Q. And while you've worked at CRC -- 4 MS. WILKINSON: Would you hand me a 5 big clip if you don't mind? 6 Q. -- or Truist, have you ever seen -- 7 have you ever seen the employee handbook? 8 A. I have. 9 Q. Let me show you what we previously 10 marked as Plaintiff's Exhibit 26. And, Mr. 11 Cadden, if you need to unclip that, feel free to 12 do so. They are numbered, so it's perfectly 13 okay. 14 This is a 2019 Excellence Associate 15 Handbook. Did this handbook apply to all 16 employees? 17 A. Yes. 18 Q. Including you? 19 A. Absolutely. 20 Q. Was there a separate handbook for 21 people in management or people at your level? 22 A. No. 23 Q. Okay. And was this a handbook that</p>	<p>Page 32</p> <p>1 MS. BARLOTTA: Object to form. 2 A. No. 3 Q. And had you heard of BB&T before they 4 purchased CRC? 5 A. Yes. 6 Q. And they were at that time primarily 7 a banking industry? 8 A. Correct. 9 Q. And had you had any dealings with 10 them professionally prior to them acquiring CRC? 11 A. No. 12 Q. And when CRC was acquired by BB&T, 13 was Kelly King the president? 14 A. Yes -- no, that is not correct. John 15 Allison was president. 16 Q. John Allison? 17 A. Uh-huh (positive response). 18 Q. Do you recall when Kelly King became 19 the president? 20 A. I do not. 21 Q. Okay. Look in Plaintiff's Exhibit 22 26. Mr. Cadden, at the very bottom you'll see 23 CRC/Hendrix, and those are what we call Bates</p>

<p style="text-align: right;">Page 33</p> <p>1 numbers. If you'll flip to 288, please.</p> <p>2 A. Okay.</p> <p>3 Q. Let me ask you this: Were you ever</p> <p>4 trained on this 2019 handbook, either</p> <p>5 electronically or in person?</p> <p>6 MS. BARLOTTA: Object to form.</p> <p>7 A. Trained may be the -- we were asked</p> <p>8 to read it and sign documents that we did read it</p> <p>9 and that we agreed to abide by it.</p> <p>10 Q. And who would have asked you to read</p> <p>11 the handbook and sign a document saying you have</p> <p>12 read it and you will agree to abide by it?</p> <p>13 A. It's an e-mail that comes from</p> <p>14 Truist. I'm not sure who sent it, but --</p> <p>15 Q. Would you have done that</p> <p>16 electronically?</p> <p>17 A. Yes.</p> <p>18 Q. And is that done every year by</p> <p>19 Truist?</p> <p>20 A. Yes.</p> <p>21 Q. So there would be an e-mail from all</p> <p>22 the employees when this 2019 handbook came out</p> <p>23 where they have signed off that they've read it</p>	<p style="text-align: right;">Page 35</p> <p>1 plantation owners?</p> <p>2 MS. BARLOTTA: Object to the form.</p> <p>3 A. Not until now.</p> <p>4 Q. Did you know that they owned slaves?</p> <p>5 MS. BARLOTTA: Object to form.</p> <p>6 A. No.</p> <p>7 Q. Did you know that they took slaves as</p> <p>8 collateral?</p> <p>9 MS. BARLOTTA: Object to form.</p> <p>10 A. No.</p> <p>11 MS. BARLOTTA: Cynthia, what has this</p> <p>12 got to do with this case?</p> <p>13 Q. Did you ever see the statements sent</p> <p>14 out by the president of BB&T renouncing this</p> <p>15 prior racist history?</p> <p>16 A. No.</p> <p>17 MS. BARLOTTA: Cynthia, you did this</p> <p>18 with Rusty. Like what -- please, like explain</p> <p>19 how this is proper under Rule 26. This has</p> <p>20 nothing to do with Ms. Hendrix's claims.</p> <p>21 Q. Have you seen anything at BB&T or</p> <p>22 Truist --</p> <p>23 MS. BARLOTTA: Don't answer the</p>
<p style="text-align: right;">Page 34</p> <p>1 and agreed to abide by it; is that correct?</p> <p>2 MS. BARLOTTA: Object to form.</p> <p>3 A. There should be, but, I mean, I would</p> <p>4 think Truist would follow up on that if they</p> <p>5 didn't. So I'm not sure to be accurate.</p> <p>6 Q. As president for the Birmingham</p> <p>7 office, did you have any responsibility to make</p> <p>8 sure that the employees were trained on the</p> <p>9 handbook?</p> <p>10 MS. BARLOTTA: Object to form.</p> <p>11 A. No. That was a Truist thing.</p> <p>12 Q. Okay. Was there anybody on-site that</p> <p>13 had responsibility to make sure employees were</p> <p>14 trained on the handbook?</p> <p>15 MS. BARLOTTA: Object to form.</p> <p>16 A. No.</p> <p>17 Q. Under BB&T's history, it talks about</p> <p>18 the Civil War. Did you know that the founders of</p> <p>19 BB&T were -- that they fought in the Civil War</p> <p>20 for the Confederacy?</p> <p>21 MS. BARLOTTA: Object to form.</p> <p>22 A. Not until now.</p> <p>23 Q. Did you know that they were</p>	<p style="text-align: right;">Page 36</p> <p>1 question until I have a response, because she's</p> <p>2 way outside the scope of Rule 26.</p> <p>3 Q. Have you seen anything at BB&T and</p> <p>4 Truist indicating that they are implementing</p> <p>5 policies to make sure specifically that blacks</p> <p>6 and women are represented in the company?</p> <p>7 MS. BARLOTTA: During when, what</p> <p>8 timeframe?</p> <p>9 Q. Since 2019, 2020.</p> <p>10 MS. BARLOTTA: Who? Like separate</p> <p>11 from the handbook?</p> <p>12 Q. Have you seen anything separate from</p> <p>13 the handbook, any e-mails or notices to indicate</p> <p>14 that BB&T/Truist was going to review and make an</p> <p>15 effort to make sure that women and blacks were</p> <p>16 represented in the company?</p> <p>17 MS. BARLOTTA: If you understand the</p> <p>18 question. I don't understand. If you understand</p> <p>19 the question, you can answer it.</p> <p>20 Q. Let me -- I'll rephrase it. So I</p> <p>21 googled the company.</p> <p>22 A. Okay.</p> <p>23 Q. And that's where I found out that the</p>

<p style="text-align: right;">Page 37</p> <p>1 founders were racists and that they took slaves 2 and that the president had renounced it and 3 issued a statement to the press. It's all over 4 Google. 5 And that as a result of that, 6 BB&T/Truist implemented practices to review the 7 workforce in 2019, 2020, I think it was actually 8 in 2020, to make sure that specifically blacks 9 and women were fairly represented in the 10 workforce. 11 Did you see any policies stating that 12 in 2020? 13 MS. BARLOTTA: Object. Move to 14 strike counsel's testimony in the case. 15 A. Can I answer that? 16 Q. Sure. 17 MS. BARLOTTA: If you understand, 18 yeah, answer. 19 A. I just want to make sure I answer 20 your question. Are you asking me did the 21 company -- did the company send an e-mail or a 22 communication to the employees to hire blacks and 23 women?</p>	<p style="text-align: right;">Page 39</p> <p>1 Q. Look at Bates Number 305 -- I'm 2 sorry -- 304. 3 A. Okay. 4 Q. Do you see on the right-hand side 5 where the heading is Equal Opportunity and 6 Affirmative Action? 7 A. I do. 8 Q. And this would have been a handbook 9 that you would have been trained on and signed 10 off on in 2019? 11 A. Yes. 12 Q. Flip to the next page, Bates Number 13 305. Do you see on the right-hand up at the top 14 where it says Affirmative Action? 15 A. I do. 16 Q. It says: BB&T is an affirmative 17 action employer and strives to make certain that 18 women, people of color, the disabled, and 19 protected or disabled veterans are fairly 20 represented at all levels within the 21 organization. 22 Did I read that correctly? 23 A. I believe so.</p>
<p style="text-align: right;">Page 38</p> <p>1 Q. Or to do a review of the number of 2 black employees and female employees. 3 A. No, I've never seen that or never 4 heard anything about that. 5 Q. Has anybody in Birmingham since 2020 6 come in and done a review of the number of black 7 employees and female employees in the workforce 8 in Birmingham in all positions and departments? 9 MS. BARLOTTA: Object to form. 10 A. If they have, I do not know about it. 11 Q. Okay. You've never done that? 12 A. No. 13 Q. And you're not aware of that being 14 done in Birmingham? 15 A. I'm not. 16 Q. Okay. 17 MS. WILKINSON: Have we marked this? 18 MS. PALMER: Maybe 41. 19 Q. (BY MS. WILKINSON:) Did you -- do 20 you know, Mr. Cadden, that BB&T/Truist has an 21 affirmative action policy? 22 MS. BARLOTTA: Object to form. 23 A. No, I didn't know that.</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. And you didn't aware that that was 2 the policy -- sitting here today, you were not 3 aware that that was the policy until I showed 4 that to you? 5 A. Yes. 6 Q. Okay. Do you see that it 7 specifically references women and people of 8 color? 9 A. I do see that. 10 Q. And disabled people and disabled 11 veterans? 12 A. I see that. 13 Q. Those are the only protected 14 categories listed in that section; is that 15 correct? 16 MS. BARLOTTA: Object to form. 17 A. I believe so. 18 Q. Have you as the president ever done a 19 review of the Birmingham office to determine how 20 many women versus how many men are in particular 21 positions? 22 A. I have not, no. 23 Q. Is it safe to say that the broker</p>

<p style="text-align: right;">Page 41</p> <p>1 business at CRC, Truist is a male dominated 2 field? 3 MS. BARLOTTA: Object to form. 4 A. The wholesale business? 5 Q. Your business. 6 A. It's not male dominated. 7 Q. When Kathryn Hendrix was there, when 8 she raised these concerns to Mr. Helveston, do 9 you know how many female brokers worked in her 10 department? 11 MS. BARLOTTA: Object to form. 12 A. 2019? Two maybe. Susan Phillips 13 would be one, Cathy Reeves. Who else? Probably 14 at that time. 15 Q. Look back -- keep the handbook open, 16 but look back at Plaintiff's Exhibit 27, Mr. 17 Cadden, the chart that I showed you earlier. 18 This was sent by CRC and Truist to 19 the Equal Employment Opportunity Commission in 20 response to Kathryn Hendrix's EEOC charge, and it 21 lists the gender of everyone. How many female 22 brokers do you see? 23 MS. BARLOTTA: Object to form.</p>	<p style="text-align: right;">Page 43</p> <p>1 employed. 2 Q. Did you hire Melissa Raspino? 3 A. I did not. 4 Q. Who did? 5 A. I would imagine Tom Curtain -- well, 6 Skip Cooper would have hired her. He ran the 7 department at the time. 8 Q. And she's the only one that's still 9 there? 10 A. Correct, in Birmingham. 11 Q. So there's only one out of five in 12 Birmingham right now? 13 A. Correct. 14 Q. And when did Leslie -- did she leave 15 before she passed away? 16 A. Yes. 17 Q. When did she leave? 18 A. Pre-Covid. She moved to Mobile. But 19 I can't tell you exactly when. She passed away 20 last year. 21 Q. When was Melissa Raspino hired? 22 A. 1991, '92. 23 Q. Okay. And when was Leslie hired?</p>
<p style="text-align: right;">Page 42</p> <p>1 A. One. 2 Q. And how many property brokers are you 3 aware of that have been female? 4 A. Property brokers, one -- well, at 5 what timeframe are you looking for? 6 Q. Since you've been involved with the 7 property broker department. 8 A. One, two, three, four -- four. 9 Q. Out of how many? 10 A. We have five brokerage teams 11 currently. 12 Q. Are there four women out of five 13 brokers? 14 A. No, not today. You said from the 15 time of CRC. So the company has grown, and some 16 of those people have left our employment, and one 17 has passed away. 18 Q. So name the females that you were 19 referring to. 20 A. Alison Oliphant, Suzanne Brandt, by 21 the way, our largest brokerage production person 22 in our company at the time. Leslie Jordan, who's 23 deceased. Melissa Raspino, who's currently</p>	<p style="text-align: right;">Page 44</p> <p>1 A. I can't recall. I mean, I could go 2 find that information, but I can't recall that. 3 Q. Who replaced Leslie? A male broker? 4 MS. BARLOTTA: Object to form. 5 A. No. That job just kind of -- her 6 book got just dissolved, spread to brokers around 7 the office. 8 Q. Who were the brokers that got her 9 book? 10 A. I can't recall that, but I would say 11 Paul Martin, Trey Nelson, maybe Melissa may have 12 got some of that. I'm not sure. 13 Q. So you don't know if Melissa got any? 14 MS. BARLOTTA: Object to form. 15 A. I don't -- I don't recall. 16 Q. Are you certain -- 17 A. It wasn't that big a book to 18 disburse, but -- 19 Q. But Paul and Trey did get a portion 20 of Leslie's book? 21 A. I don't recall. Paul -- she worked 22 with Paul previously, so he may have -- some of 23 those accounts were probably his, and he probably</p>

<p style="text-align: right;">Page 45</p> <p>1 took them back, so -- I got one of those. I</p> <p>2 should say I got one.</p> <p>3 Q. What about Ms. Brandt? When was she</p> <p>4 hired?</p> <p>5 A. Oh, before we sold it to Truist.</p> <p>6 1993-ish, '4-ish.</p> <p>7 Q. Is she still employed there?</p> <p>8 A. She's not.</p> <p>9 Q. And who replaced her?</p> <p>10 A. Alison Oliphant.</p> <p>11 Q. And why did Ms. Brandt leave?</p> <p>12 A. She moved to Atlanta. I can't -- I</p> <p>13 don't -- I was just a co-worker. I didn't have</p> <p>14 anything to do with that.</p> <p>15 Q. Do you recall when Ms. Brandt left?</p> <p>16 A. It was right after -- it was after we</p> <p>17 sold to Truist, so 2000 -- I don't know. I don't</p> <p>18 know. 2003, '4, somewhere in there maybe.</p> <p>19 Q. And when did Alison Oliphant get</p> <p>20 hired?</p> <p>21 A. I don't know. That was -- I'm not</p> <p>22 sure. I don't recall.</p> <p>23 Q. Who hired Ms. Oliphant?</p>	<p style="text-align: right;">Page 47</p> <p>1 Johnston?</p> <p>2 A. She did.</p> <p>3 Q. And is Lauren still there?</p> <p>4 A. She's not.</p> <p>5 Q. And what was her position?</p> <p>6 A. She was at -- well, she was an</p> <p>7 account executive in property, I believe, and</p> <p>8 then she had the opportunity to go to our</p> <p>9 professional liability department. She did with</p> <p>10 Lee McClure, and she became an inside broker</p> <p>11 there.</p> <p>12 And she moved to Arizona, I believe,</p> <p>13 somewhere west, and worked for us remotely for a</p> <p>14 while, and then resigned. She decided she didn't</p> <p>15 want to be in the insurance business any longer.</p> <p>16 Q. When did she move from property to</p> <p>17 professional liability?</p> <p>18 A. I don't have that data. I could</p> <p>19 figure it out.</p> <p>20 Q. Before or after Covid?</p> <p>21 A. Before Covid.</p> <p>22 Q. Do you know why she moved from</p> <p>23 property to professional liability?</p>
<p style="text-align: right;">Page 46</p> <p>1 A. Skip Cooper.</p> <p>2 Q. And Ms. Oliphant, is she still there?</p> <p>3 A. She's not.</p> <p>4 Q. When did she leave?</p> <p>5 A. 2000 -- I don't know. 2015, '16,</p> <p>6 somewhere in there maybe, '17.</p> <p>7 Q. And who were the male brokers in</p> <p>8 property?</p> <p>9 A. Paul Martin, myself, Trey Nelson,</p> <p>10 Phillip Young.</p> <p>11 Q. Any other male brokers that have</p> <p>12 worked in property?</p> <p>13 A. Mason Johnston. He's no longer with</p> <p>14 the company.</p> <p>15 Q. Why did he leave?</p> <p>16 A. He had a better opportunity somewhere</p> <p>17 else, I guess.</p> <p>18 Q. Where did he go?</p> <p>19 A. RT Specialty.</p> <p>20 Q. When did he leave?</p> <p>21 A. August the 30th of 2020, I believe it</p> <p>22 was.</p> <p>23 Q. Did Lauren Lindberg work around Mason</p>	<p style="text-align: right;">Page 48</p> <p>1 A. She had the opportunity to make more</p> <p>2 money going to the professional liability</p> <p>3 department.</p> <p>4 Q. Did Lauren Lindberg ever complain to</p> <p>5 you about Mason Johnston?</p> <p>6 A. I'm sure she did. A lot of people</p> <p>7 complained about Mason Johnston.</p> <p>8 Q. What were some of the complaints</p> <p>9 about Mason Johnston?</p> <p>10 A. He was just hard to work with.</p> <p>11 Q. Why was he hard to work with?</p> <p>12 A. He was just -- some people are hard</p> <p>13 to work with, and some aren't. He was just very</p> <p>14 demanding.</p> <p>15 Q. Since you've gone over the handbook</p> <p>16 every year since you've been employed with either</p> <p>17 CRC or Truist, did you understand that gay people</p> <p>18 should not be discriminated against?</p> <p>19 A. Yeah.</p> <p>20 MS. BARLOTTA: Object to form.</p> <p>21 Q. And you understand that it was</p> <p>22 against the policy to make derogatory comments</p> <p>23 about gay people?</p>

<p>Page 49</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 A. I'm sorry. Say that again.</p> <p>3 Q. That it was against the policy to</p> <p>4 make derogatory comments about gay people.</p> <p>5 MS. BARLOTTA: Object to form.</p> <p>6 A. Yes. I don't need a handbook to tell</p> <p>7 me that, but yes.</p> <p>8 Q. Okay. And did Lauren Lindberg</p> <p>9 complain to you about an e-mail she got from</p> <p>10 Mason Johnston where he said all gay people need</p> <p>11 to go to hell?</p> <p>12 MS. BARLOTTA: Object to form.</p> <p>13 A. I do not know anything about that.</p> <p>14 Q. Was Lauren Lindberg at the time she</p> <p>15 was in property openly gay?</p> <p>16 A. I mean, I knew she was gay, but I</p> <p>17 don't know if she was just walking around with a</p> <p>18 -- telling everybody.</p> <p>19 Q. Did she make any comments about Mason</p> <p>20 Johnston making derogatory comments about her</p> <p>21 being gay? Did she complain about that to you at</p> <p>22 all?</p> <p>23 MS. BARLOTTA: Object to form. Asked</p>	<p>Page 51</p> <p>1 effect, that would violate CRC/Truist's policies,</p> <p>2 right?</p> <p>3 MS. BARLOTTA: Object to form.</p> <p>4 A. Yes.</p> <p>5 Q. And CRC and Truist have a zero</p> <p>6 tolerance policy when it comes to discrimination,</p> <p>7 correct?</p> <p>8 MS. BARLOTTA: Object to form.</p> <p>9 A. Yes.</p> <p>10 Q. And why is there a zero tolerance</p> <p>11 policy when it comes to discrimination?</p> <p>12 MS. BARLOTTA: Object to form.</p> <p>13 A. Because it's wrong.</p> <p>14 Q. It's illegal?</p> <p>15 MS. BARLOTTA: Object to form.</p> <p>16 Q. Correct?</p> <p>17 A. Yes.</p> <p>18 Q. And it can subject the company to</p> <p>19 liability, correct?</p> <p>20 MS. BARLOTTA: Object to form.</p> <p>21 A. Yes.</p> <p>22 Q. And if Mason Johnston sent an e-mail</p> <p>23 saying all gay people go to hell, should he have</p>
<p>Page 50</p> <p>1 and answered.</p> <p>2 A. No.</p> <p>3 Q. Because she says she complained to</p> <p>4 you about it and said she was going to quit. You</p> <p>5 don't remember that?</p> <p>6 MS. BARLOTTA: Object to --</p> <p>7 A. No.</p> <p>8 MS. BARLOTTA: Object to form.</p> <p>9 Q. Do you recall seeing an e-mail from</p> <p>10 Mason Johnston where he said all gay people go to</p> <p>11 hell?</p> <p>12 MS. BARLOTTA: Object to form.</p> <p>13 A. I don't recall seeing that. If I</p> <p>14 did, I don't recall that, but --</p> <p>15 Q. Do you recall anybody talking about</p> <p>16 an e-mail from Mason Johnston where he made</p> <p>17 reference to all gay people going to hell?</p> <p>18 MS. BARLOTTA: Object to form. Asked</p> <p>19 and answered.</p> <p>20 A. I don't recall that.</p> <p>21 Q. And if Mason Johnston sent this</p> <p>22 e-mail to Lauren Lindberg or anybody and said,</p> <p>23 All gay people go to hell, or words to that</p>	<p>Page 52</p> <p>1 been fired?</p> <p>2 MS. BARLOTTA: Object to form.</p> <p>3 A. Did he send that e-mail?</p> <p>4 Q. He did.</p> <p>5 MS. BARLOTTA: She -- if he sent it,</p> <p>6 it hasn't been produced. I haven't seen it, so</p> <p>7 I --</p> <p>8 A. I haven't seen that e-mail. I don't</p> <p>9 recall seeing that e-mail.</p> <p>10 MS. BARLOTTA: And if they have it,</p> <p>11 they haven't turned it over or produced it.</p> <p>12 MS. WILKINSON: We don't have the</p> <p>13 e-mail. We wish that y'all would give it to us.</p> <p>14 Q. (BY MS. WILKINSON:) But it is our</p> <p>15 understanding from talking to witnesses that</p> <p>16 Lauren complained directly to you, said she would</p> <p>17 quit, and you moved her out of the department?</p> <p>18 A. I believe you said she showed me a</p> <p>19 copy of the e-mail, and I don't think I said that</p> <p>20 -- I don't believe I saw that. I'm comfortable I</p> <p>21 didn't see it or I would have done something</p> <p>22 about it, so --</p> <p>23 Q. Did she verbally tell you about this</p>

<p style="text-align: right;">Page 53</p> <p>1 e-mail?</p> <p>2 A. No. What you said was she showed me</p> <p>3 an e-mail. That's what you said, that she showed</p> <p>4 me an e-mail.</p> <p>5 MS. BARLOTTA: She's going to say a</p> <p>6 lot of things today whether it's accurate or not,</p> <p>7 so just be warned.</p> <p>8 A. I'll give you honest answers, but</p> <p>9 give me honest questions.</p> <p>10 Q. Well, I --</p> <p>11 A. That's not an honest question.</p> <p>12 That's not an honest question.</p> <p>13 Q. John, did Lauren ever complain to you</p> <p>14 or say to you anything to indicate that Mr. Mason</p> <p>15 has said anything to her about gays or made any</p> <p>16 derogatory comments about gays?</p> <p>17 A. She said Mason was an ass, but that</p> <p>18 has nothing to do with -- I mean, he was an ass</p> <p>19 about a lot of things.</p> <p>20 Q. Yes or no, did Lauren Lindsey [sic]</p> <p>21 ever say to you that Mason had said anything to</p> <p>22 her negative about her being gay?</p> <p>23 A. No.</p>	<p style="text-align: right;">Page 55</p> <p>1 over and over because you don't like his answers.</p> <p>2 Q. Did anybody at any point ever</p> <p>3 complain about Mason Johnston saying anything</p> <p>4 that was derogatory or negative about gay people?</p> <p>5 MS. BARLOTTA: Object to form.</p> <p>6 A. I've never heard Mason Johnston say</p> <p>7 anything negative about gay people.</p> <p>8 Q. That wasn't my question, Mr. Cadden.</p> <p>9 My question was --</p> <p>10 A. That's all I have knowledge to.</p> <p>11 That's all I have.</p> <p>12 Q. Okay. Did any employee, any employee</p> <p>13 ever say anything that you're aware of or raise</p> <p>14 any concerns about Mason Johnston saying anything</p> <p>15 that was derogatory about gay people?</p> <p>16 MS. BARLOTTA: Object to form. Asked</p> <p>17 and answered.</p> <p>18 A. No, not that I know of. Not that I</p> <p>19 recall. I don't know. We would have dealt with</p> <p>20 that.</p> <p>21 Q. Was Mason Johnston ever disciplined</p> <p>22 for saying anything derogatory about gay people?</p> <p>23 MS. BARLOTTA: Object to form. Asked</p>
<p style="text-align: right;">Page 54</p> <p>1 MS. BARLOTTA: Object to the form.</p> <p>2 Asked and answered.</p> <p>3 Q. Did she ever indicate to you that</p> <p>4 Mason had ever done or said anything negative or</p> <p>5 derogatory about gay people?</p> <p>6 MS. BARLOTTA: That's the same</p> <p>7 question. Asked and answered.</p> <p>8 A. No.</p> <p>9 Q. You never had that conversation with</p> <p>10 Lauren? Because --</p> <p>11 MS. BARLOTTA: Cynthia, enough.</p> <p>12 No, you don't need to answer. You've</p> <p>13 answered it twenty times. Move on.</p> <p>14 Q. I just want to make sure I'm clear</p> <p>15 before I move on to this, because --</p> <p>16 MS. BARLOTTA: You -- just because</p> <p>17 you don't like his answer, doesn't mean you get</p> <p>18 to keep asking the same question over and over</p> <p>19 again. Move on.</p> <p>20 Q. I'm sorry your lawyer is interrupting</p> <p>21 me.</p> <p>22 MS. BARLOTTA: I'm sorry you're not</p> <p>23 asking -- you keep asking him the same questions</p>	<p style="text-align: right;">Page 56</p> <p>1 and answered.</p> <p>2 A. Not -- not in direction of mine. I</p> <p>3 don't recall him ever doing that, and no, I --</p> <p>4 no.</p> <p>5 Q. When you said that you -- you said</p> <p>6 that Lauren Lindsey told you that Mason Johnston</p> <p>7 was an ass. Did she say why she believed that</p> <p>8 Mason Johnston is an ass?</p> <p>9 A. I'm sure she did.</p> <p>10 Q. Do you recall what she said?</p> <p>11 A. I can't recall what she said or what</p> <p>12 other people have said, so I'm -- I can't recall</p> <p>13 that.</p> <p>14 Q. Other than Lauren Lindsey, who</p> <p>15 else -- can you name anybody else that had raised</p> <p>16 any concerns about Mason Johnston?</p> <p>17 MS. BARLOTTA: Object to form. Asked</p> <p>18 and answered.</p> <p>19 A. No.</p> <p>20 Q. After Ms. Lindsey complained to you</p> <p>21 that Mason Johnston was an ass, did Mason</p> <p>22 continue to work in your department as a broker?</p> <p>23 A. Yes.</p>

<p style="text-align: right;">Page 57</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 Q. Do you know how long?</p> <p>3 A. No. No, I don't.</p> <p>4 Q. Do you still stay in touch with</p> <p>5 Lauren -- I believe it's Lindberg, not Lindsey --</p> <p>6 Lauren Lindberg?</p> <p>7 A. It is, but I know what you're talking</p> <p>8 about. No, I don't actually. I was thinking</p> <p>9 about her the other day, as a matter of fact,</p> <p>10 but --</p> <p>11 Q. Do you still stay in touch with Mason</p> <p>12 Johnston?</p> <p>13 A. I see him occasionally, but only when</p> <p>14 we run into each other.</p> <p>15 Q. And how do y'all have an occasion to</p> <p>16 run into each other?</p> <p>17 A. We're members of Vestavia Country</p> <p>18 Club.</p> <p>19 Q. How often do you see him?</p> <p>20 A. Once or twice a month maybe.</p> <p>21 Q. Have you ever talked to him about</p> <p>22 this lawsuit filed by Kathryn Hendrix?</p> <p>23 A. No.</p>	<p style="text-align: right;">Page 59</p> <p>1 you a complaint of racial discrimination or a</p> <p>2 concern about racial discrimination?</p> <p>3 MS. BARLOTTA: Object to form.</p> <p>4 A. No. We're not quota filling. We are</p> <p>5 hiring qualified people. And if somebody</p> <p>6 approaches our -- submits a resume that's</p> <p>7 qualified, whether they're a woman or a black, we</p> <p>8 are going to consider hiring.</p> <p>9 Q. Are you aware that in the city of</p> <p>10 Birmingham that women -- there are more women</p> <p>11 than there are men?</p> <p>12 A. I don't have the statistics, but that</p> <p>13 sounds about right.</p> <p>14 Q. And that there are more blacks than</p> <p>15 there are whites?</p> <p>16 MS. BARLOTTA: Object to form.</p> <p>17 A. I'm -- that doesn't surprise me.</p> <p>18 Q. One second, Mr. Cadden.</p> <p>19 A. Take your time.</p> <p>20 Q. Sure.</p> <p>21 MS. WILKINSON: Didn't you mark this</p> <p>22 -- there it is.</p> <p>23 Q. (BY MS. WILKINSON:) Mr. Cadden, let</p>
<p style="text-align: right;">Page 58</p> <p>1 Q. Have you ever been trained on the</p> <p>2 types of comments that would constitute a</p> <p>3 complaint of gender discrimination?</p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 A. I don't believe so.</p> <p>6 Q. If an employee said to you, I'm</p> <p>7 concerned that there's a lack of female brokers,</p> <p>8 I'm concerned that we don't have enough female</p> <p>9 brokers, would you understand that to be an</p> <p>10 employee raising a concern about possible gender</p> <p>11 discrimination?</p> <p>12 MS. BARLOTTA: Object to form.</p> <p>13 A. No.</p> <p>14 Q. Why not?</p> <p>15 A. I just -- I don't think it's gender</p> <p>16 discrimination.</p> <p>17 Q. Why not?</p> <p>18 A. Because I don't think that. You just</p> <p>19 asked me what I thought. I don't -- no. That's</p> <p>20 the answer to my question is no.</p> <p>21 Q. If an employee came to you and said,</p> <p>22 I'm a little concerned we don't have enough or</p> <p>23 the lack of black brokers, would that indicate to</p>	<p style="text-align: right;">Page 60</p> <p>1 me show you what we marked earlier as Plaintiff's</p> <p>2 Exhibit 42. Have you ever seen this document</p> <p>3 before?</p> <p>4 A. I don't believe so, but just let me</p> <p>5 look at it for a minute if you don't mind.</p> <p>6 Q. Sure.</p> <p>7 A. No, I'm not sure what this is</p> <p>8 actually.</p> <p>9 Q. These are documents related to the</p> <p>10 employment of Clay Segrest and his performance</p> <p>11 and his goals. Have you seen documents similar</p> <p>12 to this regarding any employees?</p> <p>13 MS. BARLOTTA: Object to form.</p> <p>14 A. I'm not sure what this is exactly, so</p> <p>15 I'm going to go with no.</p> <p>16 Q. Mr. Cadden, are you familiar with</p> <p>17 Workday?</p> <p>18 A. I am.</p> <p>19 Q. Okay. Are you familiar with</p> <p>20 information that's contained in Plaintiff's</p> <p>21 Exhibit 42 being information that is</p> <p>22 electronically stored in Workday?</p> <p>23 MS. BARLOTTA: Object to form.</p>

<p style="text-align: right;">Page 61</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 A. Now I think you've cleared that up.</p> <p>4 Now I know where you're going.</p> <p>5 Q. Okay. Look at Bates number -- Mr.</p> <p>6 Cadden, it's going to be 4687. Do you see at the</p> <p>7 bottom where it says Performance Reviews?</p> <p>8 A. I do.</p> <p>9 Q. And is that information that's</p> <p>10 contained electronically in Workday?</p> <p>11 A. I believe so, yes.</p> <p>12 Q. And do you fill out performance</p> <p>13 reviews for the employees on your team?</p> <p>14 A. On my team, yes.</p> <p>15 Q. Okay. And if you pull it up in</p> <p>16 Workday, does it look similar to this?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Would you ever have an</p> <p>19 occasion to review any of the performance reviews</p> <p>20 for Clay Segrest?</p> <p>21 A. No.</p> <p>22 Q. Look at the next page, Bates Number</p> <p>23 4688. When you do a performance evaluation for</p>	<p style="text-align: right;">Page 63</p> <p>1 is we're not going to hinder, keep anybody back</p> <p>2 because they may be different than the norm --</p> <p>3 than our makeup of a team, right, and --</p> <p>4 Q. Okay.</p> <p>5 A. I don't know if I have the best</p> <p>6 answer to that. I'm not sure. We promote</p> <p>7 diversity. We're not trying to -- I mean, we</p> <p>8 hire people that are qualified regardless of what</p> <p>9 -- who they are. I think that's where that</p> <p>10 probably should be our goal. We hire qualified</p> <p>11 people.</p> <p>12 Q. Has it been your goal as the</p> <p>13 president of the Birmingham office to promote</p> <p>14 from within?</p> <p>15 MS. BARLOTTA: Object to form.</p> <p>16 A. We do promote from within.</p> <p>17 Q. And is that important to you since</p> <p>18 you've been president?</p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 A. It is important. It's not a driving</p> <p>21 force, but we try to find the best talent.</p> <p>22 Q. Why is it important to promote from</p> <p>23 within?</p>
<p style="text-align: right;">Page 62</p> <p>1 employees, are they given goals for the upcoming</p> <p>2 year?</p> <p>3 A. Yes.</p> <p>4 Q. Do you see under individual goals for</p> <p>5 Mr. Segrest, that section down at the bottom?</p> <p>6 A. I do.</p> <p>7 Q. And do you see for one of his 2020</p> <p>8 goals, it's diversity and inclusion?</p> <p>9 A. I do.</p> <p>10 Q. And it says it's associated with his</p> <p>11 progress review?</p> <p>12 A. I do.</p> <p>13 Q. And on the bullet point under the</p> <p>14 description, it says: Promote diversity and</p> <p>15 inclusion at a team and office level. What does</p> <p>16 diversity mean to you?</p> <p>17 MS. BARLOTTA: Object to form.</p> <p>18 A. Diversity means to me, I mean, I</p> <p>19 guess we wouldn't -- we wouldn't -- I'm not sure</p> <p>20 how to answer the question, to be honest with</p> <p>21 you. Just bear with me a minute.</p> <p>22 Q. Sure. Take all the time you want.</p> <p>23 A. I think the answer to that question</p>	<p style="text-align: right;">Page 64</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 A. Well, people that are qualified that</p> <p>3 show they can do different tasks, we like to give</p> <p>4 them the opportunity if they want it.</p> <p>5 Q. Is it cost-effective to promote from</p> <p>6 within?</p> <p>7 A. Yes.</p> <p>8 Q. It saves the company money?</p> <p>9 MS. BARLOTTA: Object to form.</p> <p>10 A. If it works, yeah.</p> <p>11 Q. And you don't have to train them to</p> <p>12 be an employee of CRC or Truist. They already</p> <p>13 know kind of how the business works, so you save</p> <p>14 on that and other training, right?</p> <p>15 MS. BARLOTTA: Object to form.</p> <p>16 A. Yes. That's part of it.</p> <p>17 Q. And you also reward good employees to</p> <p>18 promote from within, correct?</p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 Q. It's a reward to good employees to</p> <p>21 get promoted?</p> <p>22 MS. BARLOTTA: Object to form.</p> <p>23 A. No. A reward would be a bonus. It's</p>

<p style="text-align: right;">Page 65</p> <p>1 an opportunity to be promoted.</p> <p>2 Q. If you get promoted, do you make more</p> <p>3 money?</p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 A. Possibly.</p> <p>6 Q. Isn't that the definition of</p> <p>7 promotion?</p> <p>8 MS. BARLOTTA: Object to form.</p> <p>9 A. I mean, we have people that have been</p> <p>10 promoted a long time that do well.</p> <p>11 Q. What does inclusion mean, promote</p> <p>12 diversity and inclusion at a team and office</p> <p>13 level? What does inclusion mean?</p> <p>14 A. I would tell you that means we're not</p> <p>15 excluding. We are a very inclusive company.</p> <p>16 Q. And how is CRC, Truist a very</p> <p>17 inclusive company?</p> <p>18 MS. BARLOTTA: Object to form.</p> <p>19 A. We don't discriminate against race or</p> <p>20 gender.</p> <p>21 Q. How do you know that?</p> <p>22 MS. BARLOTTA: Object to form.</p> <p>23 A. Because we have a lot of women</p>	<p style="text-align: right;">Page 67</p> <p>1 Q. And then what's Yvette's position?</p> <p>2 A. She's an account executive.</p> <p>3 Q. And is that the lowest position in</p> <p>4 the department?</p> <p>5 MS. BARLOTTA: Object to form.</p> <p>6 A. A technical assistant is the lowest</p> <p>7 position that we have as a company.</p> <p>8 Q. I'm talking about in the department.</p> <p>9 A. I'm sure they have them. On this</p> <p>10 chart that's the lowest position.</p> <p>11 Q. On this chart, is this the lowest</p> <p>12 position?</p> <p>13 MS. BARLOTTA: Object to form.</p> <p>14 A. Yes.</p> <p>15 Q. Did you ever talk to Yvette Talsma</p> <p>16 about being a broker?</p> <p>17 A. I do not talk to Yvette about that;</p> <p>18 but if that was a conversation that was going to</p> <p>19 be had, Corey would have that conversation with</p> <p>20 her.</p> <p>21 Q. Do you know how many account</p> <p>22 executives listed on this chart are female?</p> <p>23 A. I could count them real quick. One,</p>
<p style="text-align: right;">Page 66</p> <p>1 employees. We have a lot of black employees. We</p> <p>2 have a lot of gay employees.</p> <p>3 Q. Look back of the our chart that we've</p> <p>4 been talking about in Exhibit 37. How many black</p> <p>5 employees are on that chart?</p> <p>6 MS. BARLOTTA: Object to form.</p> <p>7 Q. Can you --</p> <p>8 A. Oh, on this chart, one, and she's</p> <p>9 been at the company as long as I have.</p> <p>10 Q. There are, it looks like, thirty-six</p> <p>11 employees listed here. So one out of thirty-six</p> <p>12 is black?</p> <p>13 A. If that's correct.</p> <p>14 MS. BARLOTTA: Object to form.</p> <p>15 A. We have a hundred and something</p> <p>16 people.</p> <p>17 Q. I'm talking about just this chart.</p> <p>18 A. Yes, but this chart is not</p> <p>19 representative of our company.</p> <p>20 Q. Who's the black person that you're</p> <p>21 referring to on the chart?</p> <p>22 A. Yvette Talsma. 132923 I think you</p> <p>23 have her listed.</p>	<p style="text-align: right;">Page 68</p> <p>1 two, three, four, five --</p> <p>2 MS. BARLOTTA: We can probably</p> <p>3 stipulate to that if it would save time.</p> <p>4 Q. There are fifteen.</p> <p>5 A. If you say so.</p> <p>6 Q. Do you know how many account</p> <p>7 executives on the chart are women? There are</p> <p>8 thirteen. Does that concern you that thirteen</p> <p>9 out of the fifteen are women?</p> <p>10 MS. BARLOTTA: Object to form.</p> <p>11 A. No.</p> <p>12 Q. Does it concern you that Yvette</p> <p>13 Talsma started the same time as you and she's</p> <p>14 just an account executive?</p> <p>15 MS. BARLOTTA: Object to form.</p> <p>16 A. No.</p> <p>17 Q. You said this is only like a</p> <p>18 snapshot. So for us to be able to see if your</p> <p>19 testimony is true that the company doesn't</p> <p>20 discriminate, we would need to see a chart like</p> <p>21 this for the whole department, the whole</p> <p>22 Birmingham office, right?</p> <p>23 MS. BARLOTTA: Object to form.</p>

<p style="text-align: right;">Page 69</p> <p>1 A. If you want it, I guess you can have 2 it, I guess. You'll have to talk to somebody 3 about that, but we can provide that for you. 4 Q. But we would need to look at that to 5 see if it's accurate that the company doesn't 6 discriminate? 7 MS. BARLOTTA: Object to form. 8 A. I -- 9 MS. BARLOTTA: Accurate by -- under 10 the law? 11 A. I'm not asking you to determine 12 what's accurate or not. But that's offensive to 13 me. Our company does not discriminate. 14 Q. What have you done, Mr. Cadden, to 15 review whether or not there's been any gender 16 discrimination as to who gets promoted to a 17 broker position? 18 MS. BARLOTTA: Object to form. 19 A. We don't make the determination 20 because of gender. 21 Q. I'm not asking that question, Mr. 22 Cadden. I'm asking you as the person who's 23 sitting here claiming to be offended by my</p>	<p style="text-align: right;">Page 71</p> <p>1 run point on that. 2 Q. At some point you become aware that 3 Kathryn Hendrix was raising concerns of gender 4 discrimination, correct? 5 MS. BARLOTTA: Object to form. 6 A. I think -- 7 MS. BARLOTTA: You mean after the 8 lawsuit was filed? 9 MS. WILKINSON: At any point. 10 A. I think when I realized, understood 11 all this was going on is after she filed the 12 lawsuit, yes. 13 Q. (BY MS. WILKINSON:) At any point 14 have you -- after you became aware that Kathryn 15 Hendrix was raising concerns about gender 16 discrimination, did you ever do any kind of 17 review yourself to see if there was gender 18 discrimination in who got picked to be a broker? 19 A. No. 20 MS. BARLOTTA: Object to form. 21 Q. Or who got to move from account 22 executive to broker? 23 MS. BARLOTTA: Object to form.</p>
<p style="text-align: right;">Page 70</p> <p>1 questions, what have you done to review whether 2 or not there's been any gender discrimination as 3 to who gets selected to be a broker? 4 MS. BARLOTTA: Object to form. 5 A. We haven't changed our practices. We 6 haven't changed anything. We haven't done 7 anything. 8 Q. Have you at any point ever done any 9 kind of review to see who moves from account 10 executive to broker, whether they're men or 11 women? 12 MS. BARLOTTA: Object to form. 13 A. No, I haven't done -- we have not 14 done that. 15 Q. Have you had a conversation with any 16 of the thirteen account executives listed on 17 Plaintiff's Exhibit 27 that are female, have you 18 had any conversations with any of them about 19 whether or not they ever expressed an interest to 20 be a broker? 21 MS. BARLOTTA: Object to form. 22 A. I haven't. Rusty -- on this list 23 that you generated, Rusty Hughes would probably</p>	<p style="text-align: right;">Page 72</p> <p>1 A. No. 2 Q. Why not? Why didn't you do that? 3 MS. BARLOTTA: Object to form. 4 A. Because I didn't think it was 5 necessary. 6 Q. Why wasn't it necessary? 7 MS. BARLOTTA: Object to form. 8 A. Because -- because we think we 9 operate properly. 10 Q. Well, I want to know what you base 11 that on, because you haven't done a review. You 12 haven't talked to any of the women that are 13 account executives to see how many of them ever 14 wanted to be a broker. What do you base that on? 15 Are you just saying that because it 16 sounds good or do you base that on anything that 17 you've done to conduct a review? 18 MS. BARLOTTA: Object to form. 19 A. I have not conducted a review. 20 Q. And you're not aware of anybody 21 conducting that kind of review, are you? 22 MS. BARLOTTA: Object to form. 23 A. No.</p>

<p style="text-align: right;">Page 73</p> <p>1 Q. Do you know why one of the goals for</p> <p>2 Mr. Segrest in 2022 was to promote diversity and</p> <p>3 inclusion at a team and office level?</p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 A. I do not.</p> <p>6 Q. And when it says office level, that's</p> <p>7 the Birmingham office?</p> <p>8 A. It is.</p> <p>9 Q. Was that ever on any performance</p> <p>10 evaluation that you gave any of your employees?</p> <p>11 MS. BARLOTTA: Object to form.</p> <p>12 A. This is a standard thing. I don't</p> <p>13 know. To answer your question honestly, I don't</p> <p>14 know.</p> <p>15 Q. Has that ever been on any performance</p> <p>16 evaluation that you've ever received?</p> <p>17 MS. BARLOTTA: Object to form.</p> <p>18 A. No, not to my knowledge, no.</p> <p>19 Q. Who reviews your performance?</p> <p>20 A. Brent Tredway.</p> <p>21 Q. Who is ultimately the highest level</p> <p>22 person over the Birmingham office? Is that you</p> <p>23 that's on-site?</p>	<p style="text-align: right;">Page 75</p> <p>1 qualifications of every female compared to every</p> <p>2 male that has received a broker position and</p> <p>3 every female that has applied for a broker</p> <p>4 position? Have you done that?</p> <p>5 A. No.</p> <p>6 Q. Was Kathryn Hendrix qualified to be a</p> <p>7 broker?</p> <p>8 MS. BARLOTTA: Object to form.</p> <p>9 A. I'm not sure.</p> <p>10 Q. Did you ever do a review in 2023 to</p> <p>11 see if this goal had been met to see if</p> <p>12 Birmingham had increased their diversity and</p> <p>13 inclusion?</p> <p>14 MS. BARLOTTA: Object to form.</p> <p>15 A. No.</p> <p>16 Q. Or had increased their female</p> <p>17 employees, their employees of color?</p> <p>18 MS. BARLOTTA: Object to form.</p> <p>19 A. I didn't do a survey, no.</p> <p>20 Q. Any black employees in your</p> <p>21 department?</p> <p>22 A. No.</p> <p>23 Q. Have there ever been?</p>
<p style="text-align: right;">Page 74</p> <p>1 A. That's me.</p> <p>2 Q. Okay. So it's your job, because</p> <p>3 you've said that every year you have to sign off</p> <p>4 that you're going to uphold the policies, it's</p> <p>5 your job to make sure that there is no</p> <p>6 discrimination taking place at the Birmingham</p> <p>7 office, right?</p> <p>8 MS. BARLOTTA: Object to form.</p> <p>9 A. Yes.</p> <p>10 Q. Okay. The next bullet point under</p> <p>11 Mr. Segrest's performance evaluation for a goal</p> <p>12 for 2022 is to commit to recruiting and building</p> <p>13 a diverse workforce. What does that mean to you?</p> <p>14 MS. BARLOTTA: Object to form.</p> <p>15 A. Again, we hire qualified people.</p> <p>16 We're not -- we're not discriminating. We want a</p> <p>17 -- we have a diverse workplace.</p> <p>18 Q. Have you ever looked to see how many</p> <p>19 women versus how many men have applied either</p> <p>20 internally or externally to be a broker?</p> <p>21 MS. BARLOTTA: Object to form.</p> <p>22 A. No.</p> <p>23 Q. Have you ever reviewed the</p>	<p style="text-align: right;">Page 76</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 A. Yes.</p> <p>3 Q. Who?</p> <p>4 A. Ernest Cesar. He's no longer</p> <p>5 employed with our company. He left to pursue</p> <p>6 other things.</p> <p>7 Q. What was his position?</p> <p>8 A. He was an account executive, worked</p> <p>9 with Mason Johnston.</p> <p>10 Q. Do you recall when he left?</p> <p>11 A. No. It was pre-Covid.</p> <p>12 Q. How long was he there?</p> <p>13 A. A couple of years maybe.</p> <p>14 Q. Did you hire him?</p> <p>15 A. I knew he was getting hired. I</p> <p>16 wasn't involved in the process, no.</p> <p>17 Q. Who hired him?</p> <p>18 A. Mason hired him.</p> <p>19 Q. And what's his last name?</p> <p>20 A. Cesar, Ernest Cesar.</p> <p>21 Q. Can you spell that?</p> <p>22 A. C-e-s-a-r, I believe.</p> <p>23 Q. Was he transferred to the file room?</p>

<p style="text-align: right;">Page 77</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 A. I don't -- I don't recall that. I</p> <p>3 don't recall. Maybe he was. Maybe he wasn't.</p> <p>4 Q. Any other black employees in your</p> <p>5 department?</p> <p>6 A. Not currently, no.</p> <p>7 Q. While you've been over the property</p> <p>8 department and you've been president, that's the</p> <p>9 only black employee you can name?</p> <p>10 MS. BARLOTTA: Object to the form.</p> <p>11 Q. In your department?</p> <p>12 A. In our department, yes.</p> <p>13 Q. How many work out of the Birmingham</p> <p>14 office? How many black employees in Birmingham</p> <p>15 that you're aware of ever since you've been</p> <p>16 employed there?</p> <p>17 A. I couldn't tell you. I've had black</p> <p>18 employees my entire career at our company, but I</p> <p>19 can't give you a head count, no.</p> <p>20 Q. Are you aware of any -- other than</p> <p>21 Ernest, any black brokers in any department in</p> <p>22 Birmingham?</p> <p>23 A. No.</p>	<p style="text-align: right;">Page 79</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 A. No, other than reading the handbook.</p> <p>3 Q. Let me show you Plaintiff's Exhibit</p> <p>4 36. Did you ever take this diversity promoting</p> <p>5 inclusion training?</p> <p>6 A. If this is a Truist thing, yes.</p> <p>7 Q. Do you recall when?</p> <p>8 A. I don't recall, ma'am. I -- no.</p> <p>9 Q. You don't?</p> <p>10 A. No, I don't recall.</p> <p>11 Q. How many times?</p> <p>12 A. I don't recall.</p> <p>13 Q. But you know sitting here today</p> <p>14 you've taken some diversity training?</p> <p>15 A. Yes.</p> <p>16 Q. You don't recall there being any</p> <p>17 diversity training, though, until BB&T/Truist</p> <p>18 took over, right?</p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 A. I can't recall. That's been a long</p> <p>21 time. That's been since 2001.</p> <p>22 Q. Have you ever been trained on</p> <p>23 implicit biases?</p>
<p style="text-align: right;">Page 78</p> <p>1 Q. Look at -- and, again, we're in</p> <p>2 Plaintiff's Exhibit 42, Bates Number 4689. For</p> <p>3 2021 goals for Mr. Segrest, he had the same</p> <p>4 goals, promote diversity and inclusion at a team</p> <p>5 and office level. Commit to recruiting and</p> <p>6 building a diverse workforce. Participate in</p> <p>7 diversity and inclusion events to broaden</p> <p>8 knowledge and understanding.</p> <p>9 Were those ever goals that you put in</p> <p>10 any performance evaluation you issued to any</p> <p>11 employee?</p> <p>12 MS. BARLOTTA: Object to form.</p> <p>13 A. I don't recall, no.</p> <p>14 Q. Have there been in 2020 through 2023</p> <p>15 any diversity and inclusion events that have been</p> <p>16 held at the Birmingham office?</p> <p>17 A. No.</p> <p>18 Q. Have you ever attended or</p> <p>19 participated in any diversity and inclusion</p> <p>20 events?</p> <p>21 A. No.</p> <p>22 Q. Have you ever been trained on</p> <p>23 diversity and inclusion?</p>	<p style="text-align: right;">Page 80</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 A. I don't believe so.</p> <p>3 Q. Do you know what that term means?</p> <p>4 A. I'm struggling, but go ahead.</p> <p>5 Q. Okay. Do you know what it means to</p> <p>6 have a bias?</p> <p>7 A. Uh-huh (positive response).</p> <p>8 Q. What does bias mean to you?</p> <p>9 A. You feel something -- you feel a way</p> <p>10 -- you feel something about something just</p> <p>11 because -- I guess implicit bias would be -- I</p> <p>12 don't know. A bias is you have an opinion about</p> <p>13 something.</p> <p>14 Q. A bias about a group or a person or</p> <p>15 something?</p> <p>16 A. Anything.</p> <p>17 Q. Okay. Have you ever been trained on</p> <p>18 beliefs that can be implicit biases?</p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 A. I'm sorry. Could you ask that</p> <p>21 question again?</p> <p>22 Q. While you've been at CRC,</p> <p>23 BB&T/Truist, have you ever been trained on</p>

<p style="text-align: right;">Page 81</p> <p>1 beliefs that people have that can create a bias 2 in the workforce? 3 A. I don't believe so. 4 Q. Comments like: Women don't like to 5 travel. Have you ever been trained that that can 6 be an implicit bias that could indicate gender 7 discrimination? 8 MS. BARLOTTA: Object to form. 9 A. No. 10 Q. Women need to stay home and be 11 married and have babies, have you ever been 12 trained that that can be an implicit bias? 13 MS. BARLOTTA: Object to form. 14 A. No, not implicit bias. I've just 15 been told it was wrong. My mother told me that 16 was wrong, so -- 17 Q. Who did you understand that an 18 employee could complain to if they had any kind 19 of issue with regard to discrimination, 20 harassment, things like that? 21 MS. BARLOTTA: Object to form. 22 A. We have an open door policy. You can 23 complain to your team lead. You can voice your</p>	<p style="text-align: right;">Page 83</p> <p>1 Q. Once an employee raises a concern -- 2 well, let me ask you this, Mr. Cadden: Does an 3 employee have to put any kind of concern with 4 regard to discrimination in writing or can they 5 make that concern verbally? 6 A. They can make that concern verbally. 7 Q. If an employee came to you and said, 8 Hey, Mr. Cadden, you know, I don't think women 9 are being fairly represented in the workforce, 10 I'm concerned that there's a lack of female 11 brokers, but I'm just kind of making this 12 complaint informally to you, would you still have 13 to consider that a complaint of discrimination? 14 MS. BARLOTTA: Object to form. 15 A. I'm not sure -- I'm not sure that's a 16 complaint. Hey, I've got this question about 17 there's not any female brokers. I'm not sure 18 just that's -- that's a complaint. 19 Q. You've never been trained that that 20 would be a complaint? 21 MS. BARLOTTA: Object to form. 22 A. I don't -- I'm not sure it is a 23 complaint. Hey, I've been wrong is -- and I</p>
<p style="text-align: right;">Page 82</p> <p>1 concerns to your team lead; to the department 2 manager, that would be Rusty Hughes in this case; 3 Ron Helveston at the time, who was in my office; 4 myself; our HR people; they have a 1-800 number 5 that you're free to call. I think it's open 6 twenty-four hours a day. 7 So there's several people if you have 8 concerns to reach out to. 9 Q. Based on -- I'm sorry. I didn't mean 10 to cut you off. 11 A. No, we have an open door policy at 12 CRC if you've got a concern, and we tell 13 everybody that. Everybody that -- everybody 14 knows that. 15 Q. And is that because the company, 16 Truist, wants to know if there are any concerns 17 with regard to discrimination, harassment, things 18 like that? 19 MS. BARLOTTA: Object to form. 20 A. Well, the rest -- all those people I 21 gave you names of work at CRC, not Truist. So we 22 are all concerned about people that have concerns 23 or issues of any problem -- of any kind.</p>	<p style="text-align: right;">Page 84</p> <p>1 don't like this, but just I'm not sure there's 2 enough female brokers, I'm not sure that's a 3 complaint. That's an observation. 4 Q. What if the employee also said, Look, 5 I'm concerned that there's a lack of female 6 brokers and I haven't been promoted to broker. I 7 want to be a broker. I'm concerned there aren't 8 women brokers. Would you consider that to be a 9 complaint of discrimination? 10 MS. BARLOTTA: Object to form. 11 A. Well, I would not say it's a 12 complaint. I would say I would think the person 13 that that was raised to that was her manager 14 would try to figure out how to see if that's a 15 possibility. We promote. We promote people in 16 our company. 17 Q. If an employee raises concerns about 18 discrimination, what are you supposed to do? If 19 you know about that complaint at any of those 20 levels you've told me about, people that can 21 receive complaints, what are you supposed to do? 22 A. We will elevate that to -- if it was 23 a complaint, we would elevate that to Stefani</p>

<p style="text-align: right;">Page 85</p> <p>1 Petty in our HR department.</p> <p>2 Q. If you know that an employee is</p> <p>3 raising any kind of concern that could</p> <p>4 potentially be discrimination, are you supposed</p> <p>5 to report that to human resources, Stefani Petty?</p> <p>6 A. If it's a complaint, yes.</p> <p>7 Q. And, again, a complaint can be</p> <p>8 verbal, general, doesn't have to be in writing,</p> <p>9 right?</p> <p>10 A. Yeah, I -- yeah.</p> <p>11 Q. And once you elevate that or report</p> <p>12 that to human resources, what's supposed to</p> <p>13 happen?</p> <p>14 A. They take off and run with that.</p> <p>15 That's out of my purview at that point.</p> <p>16 Q. Did you understand that any complaint</p> <p>17 dealing with discrimination, harassment, things</p> <p>18 like that had to be investigated?</p> <p>19 A. I turn it over to Stefani Petty, and</p> <p>20 what she does with that after that, I'm not sure.</p> <p>21 Q. Did you understand from the handbook</p> <p>22 that all complaints had to be investigated?</p> <p>23 A. You know, I didn't memorize the</p>	<p style="text-align: right;">Page 87</p> <p>1 Q. What is retaliation under the policy?</p> <p>2 A. We --</p> <p>3 MS. BARLOTTA: Object to form.</p> <p>4 A. Punishing someone, treating someone</p> <p>5 unfairly after they made a complaint.</p> <p>6 Q. Were you ever aware that Kathryn</p> <p>7 Hendrix had made -- I'm not talking about the</p> <p>8 conversation with Mr. Helveston. Prior to that,</p> <p>9 that Kathryn Hendrix had raised any concerns</p> <p>10 about there being gender discrimination?</p> <p>11 A. To whom?</p> <p>12 Q. To anybody.</p> <p>13 A. Not to my knowledge.</p> <p>14 Q. Did Rusty ever talk to you about any</p> <p>15 complaints that Kathryn Hendrix made to him?</p> <p>16 A. Not to my knowledge.</p> <p>17 Q. Were you ever aware that Kathryn had</p> <p>18 reported to both Corey and Clay that there were</p> <p>19 -- she was concerned about there being a lack of</p> <p>20 female brokers and that the company had not hired</p> <p>21 a woman in over twelve years?</p> <p>22 MS. BARLOTTA: Object to form.</p> <p>23 Q. Were you aware that she had raised</p>
<p style="text-align: right;">Page 86</p> <p>1 handbook, ma'am. I'm sure it says -- if it says</p> <p>2 it in there, then there's no sense in us arguing</p> <p>3 about that, no.</p> <p>4 Q. Look in the handbook -- it's, again,</p> <p>5 Plaintiff's Exhibit 26 -- at Bates Number 306.</p> <p>6 A. I'm sorry. Say that again.</p> <p>7 Q. It's right there. Yeah, it will be</p> <p>8 in the bottom right-hand corner, Mr. Cadden, 306.</p> <p>9 A. Okay.</p> <p>10 Q. Do you see the section under</p> <p>11 Investigations?</p> <p>12 A. Uh-huh (positive response).</p> <p>13 Q. Yes?</p> <p>14 A. Yes, I do.</p> <p>15 Q. And it says that BB&T will</p> <p>16 thoroughly, promptly, and fairly investigate all</p> <p>17 claims of harassment or discrimination.</p> <p>18 A. I do see that.</p> <p>19 Q. Okay. Have you ever been trained on</p> <p>20 retaliation at any time while you've been with</p> <p>21 CRC or BB&T/Truist?</p> <p>22 A. I know that it's not tolerated in our</p> <p>23 company.</p>	<p style="text-align: right;">Page 88</p> <p>1 those concerns to either Clay or Corey?</p> <p>2 MS. BARLOTTA: Object to form.</p> <p>3 A. I'm not.</p> <p>4 Q. Okay. If Kathryn had reported those</p> <p>5 concerns to Clay or Corey, is that something they</p> <p>6 should have told you about?</p> <p>7 MS. BARLOTTA: Object to form.</p> <p>8 A. Yes.</p> <p>9 Q. And is that something that human</p> <p>10 resources should have been involved with?</p> <p>11 MS. BARLOTTA: Object to form.</p> <p>12 A. If it was a -- if it was actually</p> <p>13 done, yes.</p> <p>14 Q. When Mason left, did Mason have a</p> <p>15 noncompete agreement with the company?</p> <p>16 A. He did.</p> <p>17 Q. But he went to work for a competitor.</p> <p>18 How did that happen with him having a noncompete?</p> <p>19 A. He just couldn't call on his existing</p> <p>20 business, which he honored.</p> <p>21 Q. Okay. Do you have any input in the</p> <p>22 job duties that are assigned to positions, like</p> <p>23 an account executive position, if it's outside</p>

<p style="text-align: right;">Page 89</p> <p>1 your department?</p> <p>2 A. The job duties are pretty much</p> <p>3 segmented. The technical assistant stuff,</p> <p>4 regardless of what department or whatever, the</p> <p>5 size of the team really determines. You can have</p> <p>6 all the titles you would like, but, you know, in</p> <p>7 our world, if something needs to get done, it</p> <p>8 needs to get done whether it's below my job</p> <p>9 function or not.</p> <p>10 Q. There's been a lot of testimony about</p> <p>11 discretion, that bonuses are discretionary, and</p> <p>12 how they're awarded and what's considered is up</p> <p>13 to the discretion of the person over the team.</p> <p>14 A. That's correct.</p> <p>15 Q. That job duties that are assigned to</p> <p>16 employees is up to the discretion of the person</p> <p>17 over the team. Does that concern you that there</p> <p>18 are no set policies, that it's up to the</p> <p>19 discretion of the person over the team and that</p> <p>20 each team is handling things differently?</p> <p>21 MS. BARLOTTA: Object to form.</p> <p>22 A. No, that doesn't concern me.</p> <p>23 Q. Have you ever been trained or taught</p>	<p style="text-align: right;">Page 91</p> <p>1 response or answer.</p> <p>2 MS. BARLOTTA: Well, I need</p> <p>3 clarification --</p> <p>4 Q. You're the president of the</p> <p>5 Birmingham office.</p> <p>6 MS. BARLOTTA: -- so I know whether</p> <p>7 or not I need to object.</p> <p>8 Q. You are trained every year on</p> <p>9 policies and the handbook. Why does Truist, CRC</p> <p>10 have policies?</p> <p>11 MS. BARLOTTA: Again, I'm going to</p> <p>12 have to ask for clarification if you're asking</p> <p>13 him to testify -- he's not here in a 30(b)(6)</p> <p>14 capacity. So if you're asking his opinion on why</p> <p>15 CRC or Truist implemented any policy or if he has</p> <p>16 specific knowledge of what those reasons were --</p> <p>17 Q. I'm asking you what is your</p> <p>18 understanding as somebody who's been trained</p> <p>19 every year since you've been employed by CRC,</p> <p>20 Truist, BB&T on the handbook and policies, what</p> <p>21 is your understanding of why they have such</p> <p>22 policies?</p> <p>23 MS. BARLOTTA: Object to form. If</p>
<p style="text-align: right;">Page 90</p> <p>1 that discretion sometimes can equal</p> <p>2 discrimination?</p> <p>3 MS. BARLOTTA: Object to form.</p> <p>4 A. No.</p> <p>5 Q. Do you believe that that could</p> <p>6 potentially create a problem of discrimination?</p> <p>7 MS. BARLOTTA: Object to form.</p> <p>8 A. No.</p> <p>9 Q. Why do you have policies? What's the</p> <p>10 purpose of having a policy?</p> <p>11 MS. BARLOTTA: Like any policy in the</p> <p>12 world? Any policy against CRC, any policy --</p> <p>13 hypothetical policies?</p> <p>14 Q. What's the purpose of CRC, Truist,</p> <p>15 BB&T having policies?</p> <p>16 MS. BARLOTTA: You're asking him why</p> <p>17 the people in CRC and Truist implemented those</p> <p>18 policies or what his opinion is on why they</p> <p>19 implemented policies?</p> <p>20 Q. Mr. Cadden, if you don't understand</p> <p>21 my question, I expect you to tell me and let me</p> <p>22 know, and I will certainly correct it and fix it,</p> <p>23 not that your lawyer needs to coach you on any</p>	<p style="text-align: right;">Page 92</p> <p>1 you understand the question, you can answer.</p> <p>2 A. It would be a guide of how to</p> <p>3 operate.</p> <p>4 Q. And why is that guide important?</p> <p>5 MS. BARLOTTA: Asking him why it's</p> <p>6 important to him or are you asking him --</p> <p>7 MS. WILKINSON: Sure.</p> <p>8 Q. (BY MS. WILKINSON:) As the</p> <p>9 president, why is that important to you? The</p> <p>10 highest ranking person for the Birmingham office,</p> <p>11 why is that important to you?</p> <p>12 MS. BARLOTTA: Any particular policy</p> <p>13 or the --</p> <p>14 A. Yeah, we've got policies about a lot</p> <p>15 of stuff. What policy would you --</p> <p>16 Q. Why is it important to have those</p> <p>17 policies, those written policies?</p> <p>18 MS. BARLOTTA: Object to form. It's</p> <p>19 very vague.</p> <p>20 A. Again, all I can say is so you have</p> <p>21 some consistency in what we're doing.</p> <p>22 Q. Is one of the reasons to tell the</p> <p>23 employees what you expect from them?</p>

<p>Page 93</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 A. Yes.</p> <p>3 Q. And to let the employees know in part</p> <p>4 what they can expect from the company?</p> <p>5 MS. BARLOTTA: Object to form.</p> <p>6 A. Yes.</p> <p>7 Q. And are all employees supposed to be</p> <p>8 treated equally?</p> <p>9 MS. BARLOTTA: Object to form.</p> <p>10 A. Yes.</p> <p>11 Q. And one of the ways that you can make</p> <p>12 sure that employees are treated equally is to</p> <p>13 have policies on how things are to be handled.</p> <p>14 Would you agree?</p> <p>15 MS. BARLOTTA: Object to form.</p> <p>16 A. Yes.</p> <p>17 Q. So if you don't have policies and if</p> <p>18 people get to use their discretion, do you think</p> <p>19 that sometimes can result in employees not being</p> <p>20 treated equally?</p> <p>21 MS. BARLOTTA: Object to form.</p> <p>22 A. I suppose it could.</p> <p>23 Q. Have you ever done anything to do a</p>	<p>Page 95</p> <p>1 Q. Do you have to approve them?</p> <p>2 A. No.</p> <p>3 Q. What do you get to review all</p> <p>4 bonuses, what information or documentation?</p> <p>5 A. I get a spreadsheet with people's</p> <p>6 bonus information. If there's something that</p> <p>7 looks out of line to me, I will question it. And</p> <p>8 if it doesn't look out of line to me, I don't</p> <p>9 question it.</p> <p>10 Q. And you've gotten those spreadsheets</p> <p>11 ever since you've been president?</p> <p>12 A. Yes.</p> <p>13 Q. And even since you've been over your</p> <p>14 department?</p> <p>15 MS. BARLOTTA: Object to form.</p> <p>16 A. Yes.</p> <p>17 Q. And you've seen those spreadsheets</p> <p>18 that have bonuses for Kathryn Hendrix?</p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 A. I'm sure I have, yes.</p> <p>21 Q. And have you seen bonuses that listed</p> <p>22 Kathryn Hendrix as an account executive and then</p> <p>23 at some point as a broker?</p>
<p>Page 94</p> <p>1 review of bonuses that were given to employees to</p> <p>2 determine if men were given higher bonuses than</p> <p>3 women?</p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 A. No. I do review the bonuses, but no,</p> <p>6 I haven't done a review, no.</p> <p>7 Q. Based on gender you have not done</p> <p>8 that review?</p> <p>9 A. No, because we don't base stuff on</p> <p>10 gender. We base stuff on people's performance</p> <p>11 and their capabilities. The bonuses are -- it's</p> <p>12 not about the bonus. It's about the total comp.</p> <p>13 It's -- some people's base is larger</p> <p>14 than others. Some people's bonus is bigger than</p> <p>15 others. It's the total comp that counts.</p> <p>16 Q. Well, there's a pot of money that</p> <p>17 gets bonuses for a team, right?</p> <p>18 A. Correct.</p> <p>19 Q. And -- but that bonus amount is</p> <p>20 determined by the head of that team, right?</p> <p>21 A. Yes.</p> <p>22 Q. And you sign off on all bonuses?</p> <p>23 A. I review all bonuses.</p>	<p>Page 96</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 A. I don't recall her title, no. But</p> <p>3 I'm -- if it's on the sheet, it's on the sheet</p> <p>4 I'm sure.</p> <p>5 Q. And was there any written policy</p> <p>6 about how bonuses were determined for a broker?</p> <p>7 MS. BARLOTTA: Object to form.</p> <p>8 A. Well, a written policy, yes, for</p> <p>9 brokers, absolutely.</p> <p>10 Q. And what is that --</p> <p>11 A. Or for the lead broker on the team.</p> <p>12 Q. Not the lead broker.</p> <p>13 A. That's all the -- everything else</p> <p>14 is -- for the most part is subjective.</p> <p>15 Q. Everything is up to the discretion of</p> <p>16 the lead broker to determine how much to give the</p> <p>17 brokers below that person?</p> <p>18 A. The brokers and the account</p> <p>19 executives and the technical assistants and</p> <p>20 everybody under them, yes.</p> <p>21 Q. Have you ever reviewed the bonuses</p> <p>22 for -- when you got these spreadsheets, just show</p> <p>23 -- kind of tell me on a spreadsheet for each</p>

<p>Page 97</p> <p>1 department, how many employees on average total</p> <p>2 would it be?</p> <p>3 A. I get a spreadsheet for each team.</p> <p>4 Q. Okay. For teams, sorry. For each</p> <p>5 team, about how many employees would it be?</p> <p>6 A. Six or seven, depends on the size of</p> <p>7 the team.</p> <p>8 Q. Not many?</p> <p>9 A. Right.</p> <p>10 Q. And for each team, that would include</p> <p>11 brokers at different levels and account</p> <p>12 executives?</p> <p>13 A. And broker assistants and technical</p> <p>14 assistants, yes.</p> <p>15 Q. Okay. And you could tell from</p> <p>16 looking at that who would be a female and who</p> <p>17 would be a male employee?</p> <p>18 A. Well, I know most of them, so yeah.</p> <p>19 Q. Because you're in the department,</p> <p>20 you're in the office, you walk around, you know</p> <p>21 them?</p> <p>22 A. I do.</p> <p>23 Q. Okay. Where was your office in</p>	<p>Page 99</p> <p>1 the men versus the women? Let's say you're</p> <p>2 looking at one team, there are about six people</p> <p>3 on it. Did you ever look to compare the bonus</p> <p>4 for men versus women?</p> <p>5 A. No. I looked at the bonus from</p> <p>6 probably two years ago. We bonus twice a year.</p> <p>7 So I would look back to see if the bonuses are in</p> <p>8 line. And if the team was up, I expected the</p> <p>9 bonuses to be up. If the team was down, the</p> <p>10 bonus could be -- most of our -- well, most of</p> <p>11 our brokerage teams do not adjust the support</p> <p>12 staff's bonuses if they're down. They just eat</p> <p>13 the -- they eat the shortfall.</p> <p>14 Q. At some point did you understand that</p> <p>15 one of Ms. Hendrix's claims is that she didn't</p> <p>16 receive bonuses comparable to male employees?</p> <p>17 MS. BARLOTTA: Object to form.</p> <p>18 A. No, I didn't.</p> <p>19 Q. You didn't know that?</p> <p>20 A. No.</p> <p>21 Q. And have you ever done a review to</p> <p>22 compare bonuses received by Kathryn Hendrix in</p> <p>23 comparison to male employees?</p>
<p>Page 98</p> <p>1 relation to where Kathryn Hendrix worked?</p> <p>2 A. I was on the fourth floor. She's</p> <p>3 on --</p> <p>4 Q. What floor was she on?</p> <p>5 A. The third floor.</p> <p>6 Q. Would you ever go down to the third</p> <p>7 floor?</p> <p>8 A. I do.</p> <p>9 Q. How often?</p> <p>10 A. A couple of times a week. It</p> <p>11 depends. It depends on my day.</p> <p>12 Q. So you were around Kathryn?</p> <p>13 A. Yeah, I mean, I -- yeah.</p> <p>14 Q. So when you were reviewing these team</p> <p>15 bonus sheets, how many teams would there be on</p> <p>16 average where you would get the bonus sheets to</p> <p>17 approve?</p> <p>18 A. We have eighteen --</p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 A. We have eighteen brokerage teams, so</p> <p>21 I got all of them.</p> <p>22 Q. When you were reviewing those, did</p> <p>23 you ever look to see any kind of comparison about</p>	<p>Page 100</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 A. No.</p> <p>3 Q. Could you do that easily if you</p> <p>4 wanted to?</p> <p>5 MS. BARLOTTA: Object to form.</p> <p>6 A. Sure.</p> <p>7 Q. And when you get these spreadsheets</p> <p>8 from these eighteen teams with around six</p> <p>9 employees on each team, do you keep those or save</p> <p>10 them somewhere?</p> <p>11 MS. BARLOTTA: Object to form.</p> <p>12 A. Yeah, they're on -- yes.</p> <p>13 Q. Where do you save them?</p> <p>14 MS. BARLOTTA: Object to form.</p> <p>15 A. They're in our computer system.</p> <p>16 Q. And can you pull them up at any time?</p> <p>17 MS. BARLOTTA: Object to form.</p> <p>18 A. They can get pulled up, I suppose.</p> <p>19 Q. You mean you might not be able to</p> <p>20 technically do it, but you can get somebody to do</p> <p>21 it?</p> <p>22 A. Yeah.</p> <p>23 MS. BARLOTTA: Object to form.</p>

<p style="text-align: right;">Page 101</p> <p>1 Q. You've lost your mic.</p> <p>2 A. Oh, I'm sorry.</p> <p>3 Q. That's okay. Thank you.</p> <p>4 A. Now (indicating).</p> <p>5 Q. How far back could you go if you</p> <p>6 wanted to pull up these bonus sheets from the</p> <p>7 eighteen teams with about six employees on them?</p> <p>8 MS. BARLOTTA: Object to form.</p> <p>9 A. I'm sure our accounting department</p> <p>10 could pull up whatever we need.</p> <p>11 Q. You could go back to 2018, 2019,</p> <p>12 2020?</p> <p>13 MS. BARLOTTA: Object to form.</p> <p>14 A. I'm sure we could.</p> <p>15 Q. Have you been asked to do that?</p> <p>16 MS. BARLOTTA: Object to form.</p> <p>17 A. No.</p> <p>18 Q. Are -- and I don't know anything</p> <p>19 about your industry. So if I say anything wrong,</p> <p>20 let me know. But it's my understanding that</p> <p>21 there are some social events around either</p> <p>22 obtaining business or keeping clients; is that</p> <p>23 correct?</p>	<p style="text-align: right;">Page 103</p> <p>1 depends on how big of event it is, obviously, but</p> <p>2 if it's a dinner with the client, the lead broker</p> <p>3 would determine that. And if it's not beneficial</p> <p>4 to go, then we don't send the whole staff. We</p> <p>5 don't bombard our clients.</p> <p>6 Q. And underwriters attend these events?</p> <p>7 A. Sometimes, but usually we have</p> <p>8 underwriter events, and then we have client</p> <p>9 events.</p> <p>10 Q. At any of these social events during</p> <p>11 the time that Kathryn Hendrix worked for CRC or</p> <p>12 Truist, were there ever any complaints by female</p> <p>13 employees that attended them that they were</p> <p>14 subjected to any type of harassment?</p> <p>15 MS. BARLOTTA: Object to form.</p> <p>16 A. Not to my knowledge.</p> <p>17 Q. Or that they were subjected to any</p> <p>18 type of offensive comments?</p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 A. Not to my knowledge.</p> <p>21 Q. Was there any discussion about women</p> <p>22 not needing to attend any social event sponsored</p> <p>23 either by CRC or Truist or somebody else because</p>
<p style="text-align: right;">Page 102</p> <p>1 A. Sure.</p> <p>2 MS. BARLOTTA: Object to form.</p> <p>3 Q. And are there social events that are</p> <p>4 sponsored by some of the clients or underwriters?</p> <p>5 A. There are.</p> <p>6 Q. And are there social events that are</p> <p>7 sponsored by CRC or Truist?</p> <p>8 MS. BARLOTTA: Object to form.</p> <p>9 A. Yes.</p> <p>10 Q. And at those social events, do some</p> <p>11 of those include dinners?</p> <p>12 MS. BARLOTTA: Object to form.</p> <p>13 A. Yes.</p> <p>14 Q. And do some of those include</p> <p>15 retreats?</p> <p>16 MS. BARLOTTA: Object to form.</p> <p>17 A. Yes.</p> <p>18 Q. Who gets to decide who goes to these</p> <p>19 social events, whether it's a dinner or a</p> <p>20 retreat? Who gets to determine who on the team</p> <p>21 attends the social events?</p> <p>22 MS. BARLOTTA: Object to form.</p> <p>23 A. The lead -- the lead broker or it</p>	<p style="text-align: right;">Page 104</p> <p>1 the men couldn't be men?</p> <p>2 MS. BARLOTTA: Object to form.</p> <p>3 A. No.</p> <p>4 Q. Okay. And is there drinking at these</p> <p>5 social events?</p> <p>6 A. Absolutely.</p> <p>7 Q. And is there drinking in the office?</p> <p>8 A. Occasionally, but not regularly.</p> <p>9 Q. Is there alcohol or alcoholic</p> <p>10 beverages, rather, that are kept in the office?</p> <p>11 A. Sure.</p> <p>12 Q. And during Kat's employment, did</p> <p>13 employees keep alcoholic beverages in their own</p> <p>14 personal offices?</p> <p>15 A. They could have.</p> <p>16 Q. And did employees actually have</p> <p>17 refrigerators in their office where they kept</p> <p>18 alcoholic beverages?</p> <p>19 A. I'm -- yes.</p> <p>20 Q. And those were also kept and</p> <p>21 maintained by the company in the community break</p> <p>22 room or refrigerator?</p> <p>23 A. I don't know that to be true, but I</p>

<p style="text-align: right;">Page 105</p> <p>1 -- if you need more refrigerator space for your 2 beer, I guess you could put it in the company's 3 fridge, yes, I guess. 4 Q. And while you've been president, if 5 an employee cracked a beer at 3:00, you wouldn't 6 have a problem with that? 7 MS. BARLOTTA: Object to form. 8 A. No. 9 Q. Do you recall -- let me ask you this: 10 Do you attend these -- 11 MS. BARLOTTA: I need a bathroom 12 break when you get a chance. 13 MS. WILKINSON: What now? 14 MS. BARLOTTA: I said whenever you 15 get a chance, I need a break. 16 MS. WILKINSON: Let me go through 17 some of this, and we will. 18 Q. (BY MS. WILKINSON:) Do you attend 19 these social events, the dinners and retreats? 20 A. More than I would like. 21 Q. And are you there because it's 22 important for the clients and customers to see 23 your face?</p>	<p style="text-align: right;">Page 107</p> <p>1 MS. BARLOTTA: Object to the form. 2 A. I was not aware of that. 3 MS. BARLOTTA: Assumes facts not in 4 evidence, and move to strike counsel's testimony. 5 Q. I can ask you about things, Mr. 6 Cadden, that have not come up in this case so 7 far. In fact, that's what depositions are for, 8 and that's what I'm doing. 9 Are you aware -- 10 MS. BARLOTTA: She shouldn't present 11 things to you as being fact when they're not or 12 lead you to believe that they're factual and that 13 they're undisputed when they're not. So we're 14 going to clarify that on the record. 15 She's also not supposed to testify. 16 You're supposed to be able to testify. 17 Q. Are you aware of any conversations 18 like this ever happening at any of these social 19 functions where either customers or employees of 20 CRC or Truist were talking about sex, women's 21 anatomy, breast implants, things like that, at 22 any of these events? 23 A. Not to my knowledge.</p>
<p style="text-align: right;">Page 106</p> <p>1 A. Yes. 2 Q. And for you to talk to them and make 3 sure they're happy, keep the business? 4 A. Yes. 5 Q. How much business annually does the 6 Birmingham office generate in dollars? 7 A. In dollars, last year was one billion 8 one hundred and seventy million dollars. 9 Q. How many clients/customers in the 10 Birmingham office? 11 A. Hundreds. I couldn't -- probably 12 over a thousand. 13 Q. Were you aware that Kathryn Hendrix 14 attended a dinner, and a male underwriter was 15 talking about, I'm just going to quote, pussy? 16 MS. BARLOTTA: Object to form. 17 Q. A female's vagina? 18 MS. BARLOTTA: Object to form. 19 Assumes facts not in evidence. 20 Q. And that he said to Kat and the other 21 men that were around, This is why you should not 22 be here, referring to Kathryn Hendrix being a 23 female? Were you aware of that?</p>	<p style="text-align: right;">Page 108</p> <p>1 MS. BARLOTTA: Object to form. 2 Q. Did any of the female employees ever 3 complain that there seemed to be a certain type 4 of female employee that got invited to these 5 social functions, female employees that maybe had 6 their breasts augmented? Did any of the female 7 employees ever complain about that? 8 MS. BARLOTTA: Object to form. 9 A. No. 10 MS. BARLOTTA: Move to strike. 11 Q. Did you ever hear any female 12 employees complain about not being asked to 13 attend any of these social functions with 14 customers or clients, either dinners or retreats? 15 MS. BARLOTTA: Object to form. 16 A. No. 17 Q. Were you aware that Kat had 18 complained, Kathryn had complained about not 19 being allowed to attend an event; in fact, was so 20 upset that she was crying? Were you ever aware 21 of that? 22 MS. BARLOTTA: Object to form. 23 A. No.</p>

<p style="text-align: right;">Page 109</p> <p>1 Q. Did you ever talk to Rusty about</p> <p>2 Kathryn raising any concerns about being excluded</p> <p>3 from these events?</p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 A. No.</p> <p>6 Q. What's the benefit to a broker to</p> <p>7 attend these events?</p> <p>8 A. Well, it depends on the event; but if</p> <p>9 it's a client event, it's to solidify a</p> <p>10 relationship. If it's a market event, it's to</p> <p>11 strengthen or start a relationship with that</p> <p>12 market.</p> <p>13 Q. So it can help your book of business?</p> <p>14 A. Very helpful.</p> <p>15 Q. Make more money?</p> <p>16 A. Yes.</p> <p>17 Q. Who gets to decide which broker that</p> <p>18 a customer works with? Is that CRC/Truist or</p> <p>19 does the customer get to decide?</p> <p>20 A. The customer ultimately decides who</p> <p>21 they do business with.</p> <p>22 Q. So if a customer said, I don't want</p> <p>23 to work with any black brokers, would you honor</p>	<p style="text-align: right;">Page 111</p> <p>1 VIDEOGRAPHER: We are taking a break.</p> <p>2 The time is 3:17.</p> <p>3 (Whereupon, a brief recess was</p> <p>4 taken.)</p> <p>5 VIDEOGRAPHER: We are back on the</p> <p>6 record. It is 3:33.</p> <p>7 Q. (BY MS. WILKINSON:) All right. Mr.</p> <p>8 Cadden, we're back on the record after taking a</p> <p>9 break. Is there anything you want to change</p> <p>10 about your prior testimony?</p> <p>11 A. I don't believe so.</p> <p>12 Q. Okay. Did anybody ever talk to you</p> <p>13 or were you ever aware of any of the female</p> <p>14 employees not wanting to work under Clay Segrest?</p> <p>15 MS. BARLOTTA: Object to form.</p> <p>16 A. No.</p> <p>17 Q. Were you aware of any concerns raised</p> <p>18 by any female employees about the way that Clay</p> <p>19 Segrest would treat them?</p> <p>20 A. No.</p> <p>21 Q. Do you know Yvette -- we talked about</p> <p>22 that -- Yvette Talsma and Andrea Sutton?</p> <p>23 A. Uh-huh (positive response).</p>
<p style="text-align: right;">Page 110</p> <p>1 that?</p> <p>2 MS. BARLOTTA: Object to form.</p> <p>3 A. I've never had that. No, we would</p> <p>4 take issue with that.</p> <p>5 Q. And if a customer said, I don't want</p> <p>6 to work with any female brokers, would you take</p> <p>7 issue with that?</p> <p>8 MS. BARLOTTA: Object to form.</p> <p>9 A. We would take issue with that.</p> <p>10 Q. And would that be discrimination to</p> <p>11 say, I'm not going to work with any female</p> <p>12 brokers?</p> <p>13 MS. BARLOTTA: Object to form.</p> <p>14 A. Yeah.</p> <p>15 Q. Are you aware of that ever happening?</p> <p>16 A. No.</p> <p>17 MS. BARLOTTA: Object to form.</p> <p>18 Q. Okay. Let's take a break for just a</p> <p>19 minute, Mr. Cadden. If you need anything, let me</p> <p>20 know, okay?</p> <p>21 A. Restroom would be great.</p> <p>22 Q. Yeah, it's right out the door to the</p> <p>23 left by the water fountain.</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. Were you ever aware that they had</p> <p>2 raised any concerns about Clay Segrest?</p> <p>3 MS. BARLOTTA: Object to form.</p> <p>4 A. No.</p> <p>5 Q. When you talked with Mr. Helveston</p> <p>6 about Kathryn's complaints -- I'm taking you back</p> <p>7 a little bit, kind of where we began today -- did</p> <p>8 Mr. Helveston ever tell you that Kathryn had</p> <p>9 reported that it was an equality issue, that</p> <p>10 there was an equality issue within the Birmingham</p> <p>11 office?</p> <p>12 MS. BARLOTTA: Object to form.</p> <p>13 A. No.</p> <p>14 Q. Did he tell you that Kathryn had</p> <p>15 complained that the men are not allowing the</p> <p>16 women the same opportunities?</p> <p>17 MS. BARLOTTA: Object to form.</p> <p>18 A. No.</p> <p>19 Q. Are you certain of that or could he</p> <p>20 have told you that and you just don't recall?</p> <p>21 MS. BARLOTTA: Object to form.</p> <p>22 A. No, he didn't say that to me.</p> <p>23 Q. And certainly if Kathryn had told</p>

<p style="text-align: right;">Page 113</p> <p>1 that to Mr. Helveston, it's an equality issue, 2 the men are not allowing the women the same 3 opportunities, you would understand that to be a 4 concern of gender discrimination? 5 MS. BARLOTTA: Object to form. 6 A. I would -- yes. 7 Q. And that should be elevated to human 8 resources? 9 MS. BARLOTTA: Object to form. 10 A. If it was a complaint, yes. 11 Q. Well, even if she just made that 12 comment, you couldn't ignore it, could you? 13 MS. BARLOTTA: Object to form. 14 A. Should not ignore it, yeah. 15 Q. Because you would understand that 16 that could be potential discrimination, right? 17 MS. BARLOTTA: Object to form. 18 A. Yes. 19 Q. Okay. And if Kathryn had said to 20 Clay Segrest and to Corey, and I'll mispronounce 21 his name, Corey Daugherty? 22 A. Uh-huh (positive response), that's 23 good enough, close enough.</p>	<p style="text-align: right;">Page 115</p> <p>1 comment, We sell EPL, what do you understand EPL 2 to be? 3 A. I'm going to tell you everything I 4 know about EPL right here. Employment practices 5 liability, and we need to stop right there, 6 because I sell property insurance, and I'm not 7 going to go chase that rabbit, so -- 8 Q. And fair enough. My next question 9 was going to be do you have anything to do with 10 selling EPL? 11 A. No. 12 Q. You don't review those policies? 13 A. No. I don't know anything about 14 that. 15 Q. Okay. Fair enough. 16 A. We have a staff that handles that. I 17 would be happy to recommend you to them. 18 Q. On your team, how do you determine 19 who gets to go to one of these social events that 20 we were talking about, either a dinner or a trip 21 or a retreat, things like that? How do you pick? 22 MS. BARLOTTA: Object to form. 23 A. If it's beneficial for the team. It</p>
<p style="text-align: right;">Page 114</p> <p>1 Q. Close enough, okay. That the 2 Birmingham corporate office has not hired a woman 3 broker in over twelve years; that is a problem. 4 I can't believe that BB&T is allowing it to 5 happen. We sell EPL, so we all know the 6 liability. If Kathryn had made that comment to 7 Clay and Corey, would you understand that to be a 8 complaint regarding discrimination? 9 MS. BARLOTTA: Object to form. 10 A. That -- no, that's not a complaint. 11 That's an observation. 12 Q. Would it be an observation that there 13 could be discrimination in the workplace? 14 MS. BARLOTTA: Object to form. 15 A. I guess that could be her opinion, 16 yeah. 17 Q. And if she expressed that opinion to 18 Clay and Corey, is that something that should be 19 reported to human resources? 20 MS. BARLOTTA: Object to form. 21 A. That's not a complaint. That was her 22 opinion. So I would say no. 23 Q. What is EPL? If Kathryn made the</p>	<p style="text-align: right;">Page 116</p> <p>1 depends on -- there's a host of factors. I mean, 2 does one person do business with this underwriter 3 or this client? It just depends on -- you know, 4 we just try to keep the cost down for whoever is 5 paying, whether it be us or our client. We just 6 don't send everybody. It needs to have a 7 business reason. 8 Q. At these events, does it tend to be 9 more men than women? 10 MS. BARLOTTA: Object to form. 11 A. I've never polled it, but possibly. 12 Q. What is the Curtain Cup? 13 A. That is an award that was established 14 honoring Tom Curtain, who is the founder of our 15 company. And it's the largest or the -- well, it 16 was supposed to be the largest office, and we've 17 changed it. 18 It was pre-Covid. It just started 19 like in, I don't know, two years before pre-Covid 20 maybe, and it's awarded to the office, but we've 21 kind of changed that. It's kind of gone by the 22 wayside since Covid, to be honest with you. 23 Q. But it's still referred to as the</p>

<p style="text-align: right;">Page 117</p> <p>1 Curtain Cup after Tom?</p> <p>2 A. Sure.</p> <p>3 Q. And Tom would be the person that</p> <p>4 Lauren complained was an ass?</p> <p>5 MS. BARLOTTA: Object to form.</p> <p>6 A. No. Nobody has ever said that Tom</p> <p>7 Curtain was an ass.</p> <p>8 Q. Oh, I'm sorry. You're right. I was</p> <p>9 thinking about Mason Johnston.</p> <p>10 Do you ever recall an e-mail sent by</p> <p>11 Tom Curtain that had racist comments in it?</p> <p>12 MS. BARLOTTA: Object to form.</p> <p>13 A. No.</p> <p>14 Q. You don't recall that being talked</p> <p>15 about at the company?</p> <p>16 MS. BARLOTTA: Object to form.</p> <p>17 A. No.</p> <p>18 Q. Do you recall there being any</p> <p>19 concerns made about Tom Curtain with regard to</p> <p>20 any type of discrimination?</p> <p>21 MS. BARLOTTA: Object to form.</p> <p>22 A. No.</p> <p>23 Q. Who determines -- I'm not talking</p>	<p style="text-align: right;">Page 119</p> <p>1 A. We're a sales organization. You get</p> <p>2 paid for selling stuff, not for trying to sell</p> <p>3 stuff.</p> <p>4 Q. (BY MS. WILKINSON:) Is the pay range</p> <p>5 that you're talking about, is it written down</p> <p>6 anywhere? Is it in a policy or a document?</p> <p>7 A. It possibly could be somewhere in the</p> <p>8 Truist HR -- it's not in a CRC thing that I know</p> <p>9 of.</p> <p>10 Q. And is there a pay range for an</p> <p>11 account executive that you can use to award base</p> <p>12 salary, not promotions? I mean --</p> <p>13 MS. BARLOTTA: Object to the form.</p> <p>14 A. Again, it depends on -- we have</p> <p>15 account executives we hire out of college that</p> <p>16 are at the bottom of our pay scale. And we have</p> <p>17 some that maybe become account executives that</p> <p>18 have ten years' experience. We're going to pay</p> <p>19 them more money.</p> <p>20 Q. What's the pay scale for an account</p> <p>21 executive?</p> <p>22 A. I knew you would ask me that. I</p> <p>23 can't recall that off -- I can tell you we start</p>
<p style="text-align: right;">Page 118</p> <p>1 about bonuses, but just the base pay for an</p> <p>2 employee? Let's just say for your team, who gets</p> <p>3 to determine that?</p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 A. Well, we try to pay -- I'm not sure</p> <p>6 who determines that. We have -- I don't want to</p> <p>7 say schedule, but we have a range, I guess, just</p> <p>8 because depending on people's work experience.</p> <p>9 And, I mean, obviously, we pay somebody right out</p> <p>10 of college a lot less money than we pay somebody</p> <p>11 that's got ten years' experience, that kind of</p> <p>12 stuff.</p> <p>13 Q. Does seniority factor into what an</p> <p>14 employee is paid?</p> <p>15 MS. BARLOTTA: Object to form.</p> <p>16 A. Not necessarily, no. It's more on</p> <p>17 effort. I mean, if you look at our salaries,</p> <p>18 they're predominant pretty low, the base salaries</p> <p>19 are low. We're trying to promote growth. People</p> <p>20 that do more make more. We don't do raises just</p> <p>21 because of their age.</p> <p>22 THE REPORTER: Just because what?</p> <p>23 THE WITNESS: Because of their age.</p>	<p style="text-align: right;">Page 120</p> <p>1 college kids today, 2024, they're going to start</p> <p>2 somewhere in the fifty-two to fifty-five range</p> <p>3 maybe, but that's 2024, not 2030.</p> <p>4 Q. Okay. Like Yvette Talsma was hired</p> <p>5 in 1990. She's been an account executive how</p> <p>6 long, her entire career?</p> <p>7 A. No. She started off in the -- she</p> <p>8 started out as our receptionist actually and has</p> <p>9 moved up.</p> <p>10 Q. How long has she been -- how many</p> <p>11 years has she been an account executive?</p> <p>12 A. I couldn't tell you, to be honest</p> <p>13 with you.</p> <p>14 Q. More than ten?</p> <p>15 A. A long time, yeah.</p> <p>16 Q. Did -- when other account executives</p> <p>17 are hired in any department, any team, do you go</p> <p>18 back and look at what the long-term account</p> <p>19 executive employees are making to see if you need</p> <p>20 to adjust their salary?</p> <p>21 A. We do not.</p> <p>22 Q. Why not?</p> <p>23 A. Because we -- their bonus, like I</p>

<p style="text-align: right;">Page 121</p> <p>1 mentioned earlier, their bonus income is most --</p> <p>2 larger than their base income.</p> <p>3 Q. Well, do you take into account when</p> <p>4 you're giving bonuses that, let's say, Yvette</p> <p>5 Talsma has been there since 1990, and she's</p> <p>6 making less than employees who were hired, you</p> <p>7 know, in 2015?</p> <p>8 I mean, do you take into account when</p> <p>9 you're giving a bonus, hey, we need to make up</p> <p>10 for what somebody is being paid, because they're</p> <p>11 paid less than other account executives?</p> <p>12 A. Their base pay may be less or</p> <p>13 greater, but it's the total comp. We look at the</p> <p>14 total comp, not --</p> <p>15 Q. Well, and maybe I'm not asking it</p> <p>16 right, Mr. Cadden. My question is: Let's say</p> <p>17 you've got an account executive making thirty</p> <p>18 something and one making fifty something, but the</p> <p>19 thirty something has been there fifteen years</p> <p>20 longer than the one making more.</p> <p>21 Do you go, oh, wait a minute, we need</p> <p>22 to give this person more bonus to make up for</p> <p>23 that so that their -- you kind of -- you're not</p>	<p style="text-align: right;">Page 123</p> <p>1 him a larger base than somebody that's not. But</p> <p>2 his total comp may be less than Yvette or Brandi</p> <p>3 Russell or pick somebody off this page.</p> <p>4 Q. So the number where it says</p> <p>5 compensation on Plaintiff's Exhibit 27, that's</p> <p>6 the base?</p> <p>7 A. That's their base salary. And these</p> <p>8 numbers are -- some of these people have</p> <p>9 multiple -- numbers are multiples of what's on</p> <p>10 their base.</p> <p>11 Q. Do you know if Yvette's total</p> <p>12 compensation was ever increased because she was</p> <p>13 making so much less than Ross?</p> <p>14 MS. BARLOTTA: Object to form.</p> <p>15 A. I would say her compensation has</p> <p>16 nothing to do with Ross' compensation, nor does</p> <p>17 his with hers.</p> <p>18 Q. Has there been any talk about needing</p> <p>19 to adjust any of the female employees that have</p> <p>20 been account executives since, you know, the '90s</p> <p>21 or early 2000s?</p> <p>22 A. Again, we -- it's their adjustments</p> <p>23 are -- usually those people are on large teams,</p>
<p style="text-align: right;">Page 122</p> <p>1 raising their base, but you're giving a bonus to</p> <p>2 compensate for that? Does that make sense?</p> <p>3 A. We're not giving a bonus because</p> <p>4 somebody else makes more money. We're giving a</p> <p>5 bonus because the -- for their production level</p> <p>6 of the team.</p> <p>7 Q. Well, looking at Plaintiff's Exhibit</p> <p>8 27, Mr. Cadden, and out of the thirteen women,</p> <p>9 Ross Robertson was paid more than nine of the</p> <p>10 women, hired after all of them. There are other</p> <p>11 male employees that are paid more than these</p> <p>12 women.</p> <p>13 Have you ever looked at that and</p> <p>14 said, Wait a minute; we've got some male</p> <p>15 employees that are making a whole lot more than</p> <p>16 these females?</p> <p>17 MS. BARLOTTA: Object to form.</p> <p>18 A. I don't think you heard me a minute</p> <p>19 ago. We're looking at -- we look at total comp.</p> <p>20 Bases are -- it depends on -- let's pick on Ross</p> <p>21 for a minute since you brought him up.</p> <p>22 Ross came from a company in</p> <p>23 Mississippi, had experience. We're going to pay</p>	<p style="text-align: right;">Page 124</p> <p>1 and they get their bonus substantially. And we</p> <p>2 do bonus -- and to be fair, we do have merit</p> <p>3 increases. So some of these numbers are probably</p> <p>4 not accurate from when you got from this -- I'm</p> <p>5 not sure when this document was presented to you.</p> <p>6 Q. The company sent it to the EEOC.</p> <p>7 A. Okay. So some of these people may</p> <p>8 have had a merit adjustment since then, and it's</p> <p>9 going to be a three percent. That has nothing to</p> <p>10 do with being a female or black or male. It's</p> <p>11 just three percent is the max that you can get.</p> <p>12 Q. I hear you, but did you ever have any</p> <p>13 conversations with anybody about needing to</p> <p>14 adjust the salary of some of the female</p> <p>15 employees, the base salary?</p> <p>16 A. No.</p> <p>17 Q. Okay. Or did you ever have a</p> <p>18 conversation with anybody about, Look, we've got</p> <p>19 some women who were paid much less than the men</p> <p>20 on the base salary, let's make sure we compensate</p> <p>21 for them on bonuses?</p> <p>22 MS. BARLOTTA: Object to form.</p> <p>23 Q. Did you ever have that conversation</p>

<p>Page 125</p> <p>1 with any of the team leads?</p> <p>2 A. No, I did not.</p> <p>3 Q. What's the launch program?</p> <p>4 A. It's a relatively new program that</p> <p>5 we've established. I'm not sure exactly when. I</p> <p>6 have nothing to do with it. Jessica Marshall</p> <p>7 runs that program.</p> <p>8 We find -- young would be the</p> <p>9 wrong -- young not necessarily being age, but new</p> <p>10 producers, new people in our business that we see</p> <p>11 the ability of them to become a producer, an</p> <p>12 outside producing broker, and they have</p> <p>13 additional training. They have additional like</p> <p>14 sales training in small aspects of the company.</p> <p>15 We bring in outside people, and it's</p> <p>16 a three-year -- three- to four-year program. And</p> <p>17 then the goal is for them to be a producing</p> <p>18 broker, either on their own or on a team.</p> <p>19 Q. When did the launch program start,</p> <p>20 what year?</p> <p>21 A. That's a great question. I -- I'm</p> <p>22 going to say after -- no. After Covid maybe,</p> <p>23 2022. Three or four years, let's just say.</p>	<p>Page 127</p> <p>1 in the launch program?</p> <p>2 MS. BARLOTTA: Object to form.</p> <p>3 A. I don't know the answer to that</p> <p>4 question.</p> <p>5 Q. Is there a document that says, Here's</p> <p>6 how you select who gets to go to the launch</p> <p>7 program?</p> <p>8 MS. BARLOTTA: Object to form.</p> <p>9 A. I'm sure there is, but I don't --</p> <p>10 I've never seen that to my knowledge.</p> <p>11 Q. Have you sent any of the employees on</p> <p>12 your team to the launch program?</p> <p>13 A. I have not.</p> <p>14 Q. Do you know how you get to go to the</p> <p>15 launch program?</p> <p>16 A. You're nominated by your team lead.</p> <p>17 Q. And do you discuss -- since you're</p> <p>18 the president of the Birmingham office, do you</p> <p>19 discuss with any of the team leads about who gets</p> <p>20 nominated for the launch program?</p> <p>21 A. Yes, we do discuss that.</p> <p>22 MS. BARLOTTA: Object.</p> <p>23 Q. And who -- is that something that</p>
<p>Page 126</p> <p>1 Q. After Kathryn was no longer employed?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. So you think it was maybe</p> <p>4 2021, 2022?</p> <p>5 A. I would hate to speculate on that,</p> <p>6 but somewhere in there, I think.</p> <p>7 Q. Whose idea was the launch program?</p> <p>8 A. I have no idea. That's above my pay</p> <p>9 grade.</p> <p>10 Q. Were there any documents or e-mails</p> <p>11 about the launch program when it first started?</p> <p>12 A. I'm sure there are, but I don't know.</p> <p>13 I don't recall seeing them. I'm sure there's</p> <p>14 obviously something in writing somewhere.</p> <p>15 Q. How did you find out about the launch</p> <p>16 program?</p> <p>17 A. I mean, I've got people in my office</p> <p>18 that are in it. We've talked about it trying to</p> <p>19 figure out how to grow talent, grow our company,</p> <p>20 what can we do to give our young people an edge.</p> <p>21 And so I've been in several meetings about it.</p> <p>22 Q. Is there a document that says, Here's</p> <p>23 what the launch program is and what you will do</p>	<p>Page 128</p> <p>1 they're required to get your input on?</p> <p>2 A. I don't know about required, but --</p> <p>3 Q. But they do?</p> <p>4 A. For the most part, we talk about it.</p> <p>5 Q. And who have -- tell me the names of</p> <p>6 the team leaders you've had conversations with</p> <p>7 about who should be nominated for the launch</p> <p>8 program.</p> <p>9 A. I've talked to Rusty about Ross</p> <p>10 Robertson. Andrew Baker has a young gentleman on</p> <p>11 his team that started, Peyton.</p> <p>12 Q. Peyton?</p> <p>13 A. Peyton. I can't recall Peyton's last</p> <p>14 name. And then Trey Nelson has a -- our first</p> <p>15 Covid hire, Charles Fisher, who is in the launch</p> <p>16 program, and then my son is in the launch</p> <p>17 program.</p> <p>18 Q. Steele Cadden?</p> <p>19 A. He is, yes.</p> <p>20 Q. Whose team is your son on?</p> <p>21 A. Corey Daugherty.</p> <p>22 Q. And Corey is the one that nominated</p> <p>23 Steele?</p>

<p style="text-align: right;">Page 129</p> <p>1 A. He did.</p> <p>2 Q. What's Steele's position?</p> <p>3 A. He is an account executive currently.</p> <p>4 Q. Who determined Steele Cadden's base</p> <p>5 pay?</p> <p>6 A. That's what -- that's what Corey</p> <p>7 decided to pay him. I did not.</p> <p>8 Q. You had to approve it, though, right?</p> <p>9 A. I approved his hiring. I have</p> <p>10 nothing to do with my son. I stay more than an</p> <p>11 arm's length away from him.</p> <p>12 Q. You approve his bonuses, right?</p> <p>13 MS. BARLOTTA: Object to form.</p> <p>14 A. I see his bonuses, but I do not have</p> <p>15 any involvement with it whatsoever.</p> <p>16 Q. Do you know what your son made</p> <p>17 starting out as an account executive?</p> <p>18 A. Probably somewhere high fifties, low</p> <p>19 sixties, maybe sixty thousand dollars.</p> <p>20 Q. And when was he hired?</p> <p>21 A. Two and a half years ago maybe.</p> <p>22 Q. And Ross Robertson, what was his</p> <p>23 position when he went into the launch program?</p>	<p style="text-align: right;">Page 131</p> <p>1 Q. What's his position?</p> <p>2 A. He's an account executive.</p> <p>3 Q. What does he make a year?</p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 A. I would have to go look at that. I'm</p> <p>6 sure in the fifty, fifty-five, sixty, somewhere</p> <p>7 in there.</p> <p>8 Q. When was he hired, Mr. Cadden?</p> <p>9 A. Last May maybe.</p> <p>10 Q. May of '23?</p> <p>11 A. Yeah. Yes.</p> <p>12 Q. And then Ross Robertson, when did he</p> <p>13 go into the launch program?</p> <p>14 A. We just mentioned two or three years</p> <p>15 ago. I'm not --</p> <p>16 Q. Oh, I'm sorry. You're right.</p> <p>17 Is Trey Nelson in the launch or was</p> <p>18 he the one that nominated --</p> <p>19 A. No. Trey Nelson is a broker.</p> <p>20 Q. Ross Fisher?</p> <p>21 A. Charles Fisher.</p> <p>22 Q. Charles. Okay. When did Charles</p> <p>23 Fisher go into the program?</p>
<p style="text-align: right;">Page 130</p> <p>1 A. I'm sure he was an account executive.</p> <p>2 Q. What is his position now?</p> <p>3 A. I don't know if they changed their</p> <p>4 titles when they go to the launch program or not,</p> <p>5 to be honest with you. I'm not sure what the --</p> <p>6 I'm not involved in that on a day-to-day basis,</p> <p>7 so I'm not sure what they do.</p> <p>8 Q. Do you know what year Ross was</p> <p>9 nominated?</p> <p>10 A. I don't. I mean, he's still in it,</p> <p>11 so it's less than -- it's less than three years.</p> <p>12 Q. Within the past -- so sometime</p> <p>13 between 2021 and now?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And what about Peyton, do you</p> <p>16 know when Peyton --</p> <p>17 A. I don't believe he's been nominated.</p> <p>18 He just started with us, for heaven sakes. We're</p> <p>19 just -- he's --</p> <p>20 Q. Y'all are talking about putting him</p> <p>21 in?</p> <p>22 A. Yeah, he's a very motivated young</p> <p>23 man.</p>	<p style="text-align: right;">Page 132</p> <p>1 A. A year or two ago.</p> <p>2 Q. And was he an account executive when</p> <p>3 he went into the position?</p> <p>4 A. He was.</p> <p>5 Q. And that's the one Trey Nelson</p> <p>6 nominated?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And Corey nominated your son.</p> <p>9 When did he nominate your son?</p> <p>10 A. He just started in July. So sometime</p> <p>11 prior to that.</p> <p>12 Q. And are there any written</p> <p>13 requirements that you are aware of about how a</p> <p>14 team lead would nominate -- what requirements</p> <p>15 there are, criteria to nominate somebody for the</p> <p>16 launch program?</p> <p>17 A. I'm sure there's -- Jessica Marshall</p> <p>18 probably has those -- that information.</p> <p>19 Q. Have you ever seen them?</p> <p>20 MS. BARLOTTA: Object to form. Asked</p> <p>21 and answered.</p> <p>22 A. Possibly.</p> <p>23 Q. What are the requirements to nominate</p>


<p style="text-align: right;">Page 133</p> <p>1 somebody? Because they come talk to you about</p> <p>2 it. So what are the requirements?</p> <p>3 MS. BARLOTTA: Object to form.</p> <p>4 A. No, we just talk about --</p> <p>5 MS. BARLOTTA: Move to strike.</p> <p>6 A. We just talk when they come to me,</p> <p>7 Hey, I've got this person that I think would be</p> <p>8 great, and it's a great opportunity for them, and</p> <p>9 so that's where -- the level of conversation I</p> <p>10 have.</p> <p>11 I don't review their -- I don't check</p> <p>12 the box to make sure they have -- everything</p> <p>13 they've done. That's somebody else's</p> <p>14 responsibility, not mine.</p> <p>15 Q. What happened -- whose responsibility</p> <p>16 is that? Who does that?</p> <p>17 A. That would be the lead broker.</p> <p>18 Q. Lee who?</p> <p>19 A. The lead broker of the team. We</p> <p>20 would fill out all the -- the form, the</p> <p>21 paperwork.</p> <p>22 Q. And then who does it go?</p> <p>23 A. I'm assuming Jessica Marshall, and</p>	<p style="text-align: right;">Page 135</p> <p>1 A. I have not.</p> <p>2 Q. Have you asked them if they're even</p> <p>3 aware of the launch program?</p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 A. I have not.</p> <p>6 Q. Why not?</p> <p>7 A. I haven't had the -- I haven't had</p> <p>8 the need to. I don't -- I mean, I'm -- I'll walk</p> <p>9 around their office and visit with people when</p> <p>10 they have problems to say hello. I don't sit</p> <p>11 down and talk to them. I have my own book of</p> <p>12 business that I'm doing, and just I haven't.</p> <p>13 Q. Well, do you ever have meetings for</p> <p>14 the whole Birmingham office?</p> <p>15 A. Occasionally. We're not a big</p> <p>16 meeting -- we're not big into meetings in our</p> <p>17 office, but --</p> <p>18 Q. Do you send out e-mails to everybody</p> <p>19 in the office from time to time to let them know</p> <p>20 things?</p> <p>21 A. I do.</p> <p>22 Q. Did you send out an e-mail to say,</p> <p>23 Hey, we're starting this new launch program, I</p>
<p style="text-align: right;">Page 134</p> <p>1 there's the whole interview process that I have</p> <p>2 nothing to do with. It's a huge --</p> <p>3 Q. What's Jessica's title?</p> <p>4 A. Chief -- I think it's chief -- she</p> <p>5 just got promoted chief marketing officer. I</p> <p>6 believe that's correct.</p> <p>7 Q. Is she in Birmingham?</p> <p>8 A. No, she's in Dallas, Texas.</p> <p>9 Q. Are you aware of any females being</p> <p>10 nominated for launch?</p> <p>11 A. Across the company, I'm sure we have</p> <p>12 several.</p> <p>13 Q. Out of Birmingham?</p> <p>14 A. Not to my knowledge, no. Not at this</p> <p>15 point.</p> <p>16 Q. There are fifteen total, just on the</p> <p>17 list that we've got, Plaintiff's Exhibit 27,</p> <p>18 fifteen total female account executives, and none</p> <p>19 of them have been nominated. Do you know why?</p> <p>20 A. I do not.</p> <p>21 MS. BARLOTTA: Object to form.</p> <p>22 Q. Have you talked to any of them about</p> <p>23 whether they wanted to go to launch?</p>	<p style="text-align: right;">Page 136</p> <p>1 want to let y'all know?</p> <p>2 A. I did not.</p> <p>3 Q. Why not?</p> <p>4 A. Because the people that handled the</p> <p>5 launch program did.</p> <p>6 Q. Why didn't you want to let your</p> <p>7 office know?</p> <p>8 MS. BARLOTTA: Object to form.</p> <p>9 A. They know. They get the same e-mail</p> <p>10 I get.</p> <p>11 Q. So it's your testimony that everybody</p> <p>12 in the office got an e-mail about the launch?</p> <p>13 A. I don't know about everybody, but</p> <p>14 every team lead did.</p> <p>15 Q. Well, what about the account</p> <p>16 executives? Do you know if they've ever been</p> <p>17 informed?</p> <p>18 A. I'm not sure.</p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 A. I don't know. I don't know the</p> <p>21 answer to that question. I'm sorry.</p> <p>22 Q. Well, wouldn't that be something that</p> <p>23 would be important to know to see if -- since</p>

<p>Page 137</p> <p>1 it's all men that have been nominated so far?</p> <p>2 A. I'm not sure it's all men that's been</p> <p>3 nominated or maybe it's all men in our office,</p> <p>4 but --</p> <p>5 Q. I'm talking about just the Birmingham</p> <p>6 office right now.</p> <p>7 A. I know, but we have eighty-one</p> <p>8 offices across the country, and we have five</p> <p>9 thousand employees. We have lots of women.</p> <p>10 Q. You don't manage those other offices?</p> <p>11 A. Absolutely not.</p> <p>12 Q. You're just responsible for</p> <p>13 Birmingham. That's all I'm talking about right</p> <p>14 now.</p> <p>15 A. Correct.</p> <p>16 Q. Don't you think it's odd that there</p> <p>17 are fifteen account executives on this list who</p> <p>18 are women, and none of them in the past three</p> <p>19 years this launch program has been in existence</p> <p>20 have been nominated?</p> <p>21 MS. BARLOTTA: Object to form.</p> <p>22 A. No.</p> <p>23 Q. What about Yvette? She's a really</p>	<p>Page 139</p> <p>1 have been on your team for years and years? Why</p> <p>2 aren't you nominating any of them? Did you ever</p> <p>3 ask him about that?</p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 A. I did not.</p> <p>6 Q. Why not?</p> <p>7 A. I just didn't.</p> <p>8 Q. Well, whose job was it to ask that</p> <p>9 question? It was yours, wasn't it, Mr. Cadden?</p> <p>10 MS. BARLOTTA: Object to form.</p> <p>11 Assumes facts not in evidence that it's his job</p> <p>12 to ask a specific question about why someone has</p> <p>13 been nominated or not.</p> <p>14 A. I didn't.</p> <p>15 Q. But you're the one responsible for</p> <p>16 making sure there's no discrimination in the</p> <p>17 Birmingham office, right?</p> <p>18 MS. BARLOTTA: Object to form.</p> <p>19 A. Yes.</p> <p>20 Q. What did your son do before he</p> <p>21 started working for your Birmingham office?</p> <p>22 A. He worked at AmRisk.</p> <p>23 Q. At where?</p>
<p>Page 138</p> <p>1 good account executive, isn't she?</p> <p>2 A. She's awesome.</p> <p>3 MS. BARLOTTA: Object to form.</p> <p>4 Q. She would be a great broker, wouldn't</p> <p>5 she?</p> <p>6 MS. BARLOTTA: Object to form.</p> <p>7 A. I don't know that. I'm not sure she</p> <p>8 wants to be a broker.</p> <p>9 Q. Well, did you ever ask anybody --</p> <p>10 whose team is she on?</p> <p>11 A. She was Corey.</p> <p>12 Q. When Corey nominated your son, did</p> <p>13 you ever say, Wait a minute, Corey, wait a</p> <p>14 minute, we've got Yvette on your team. I know</p> <p>15 Yvette to be a great employee. Why aren't we</p> <p>16 nominating her?</p> <p>17 MS. BARLOTTA: Object to form.</p> <p>18 A. No, I did not.</p> <p>19 Q. What about all the other women on</p> <p>20 Corey's team? Did you ever say, Wait a minute,</p> <p>21 Corey, we've got -- my son started working here</p> <p>22 just recently, and he's nominated. What about</p> <p>23 all these account executives who are women that</p>	<p>Page 140</p> <p>1 A. AmRisk.</p> <p>2 Q. Doing what?</p> <p>3 A. He was a -- I think their version of</p> <p>4 an account executive.</p> <p>5 Q. How long was he there?</p> <p>6 A. A year possibly.</p> <p>7 Q. Why did he leave there?</p> <p>8 A. He had an opportunity to come to CRC.</p> <p>9 Q. Were there any issues with his</p> <p>10 performance at the prior employer?</p> <p>11 MS. BARLOTTA: Object to form.</p> <p>12 A. Not to my knowledge.</p> <p>13 Q. And where did he work before that</p> <p>14 employer?</p> <p>15 A. Worked at -- he worked for a trucking</p> <p>16 company downtown. What's the name of it? He was</p> <p>17 a trucking broker for a while, and then he went</p> <p>18 to work for an agency. I can't think of the name</p> <p>19 of the agency. Stand by. It'll come to me.</p> <p>20 Q. So he had less than a year account</p> <p>21 executive experience when he came to CRC, your</p> <p>22 Birmingham office, right?</p> <p>23 MS. BARLOTTA: Object to form.</p>

<p>Page 141</p> <p>1 A. No, it was about approximately a 2 year, yes. 3 Q. About a year? 4 A. He was in the insurance business for 5 a year or two prior to that. 6 Q. Did Steele, your son, apply for the 7 position? 8 A. Yes. 9 Q. And who else applied when Steele 10 Cadden was hired as an account executive? 11 A. I don't know the answer to that 12 question. We have people all the time apply for 13 jobs. 14 Q. Was it announced within the 15 department within the Birmingham office that 16 there was an account executive position open when 17 your son got it? 18 A. It was published on our website. 19 Q. Was it posted outside of the office? 20 MS. BARLOTTA: Object to form. 21 A. That would be a question for the 22 recruiters. 23 Q. And he was hired in July of '23?</p>	<p>Page 143</p> <p>1 account executive, Cathy Roussell or your son? 2 MS. BARLOTTA: Object to form. 3 A. Cathy has been there longer, yes. 4 Q. She's been there for a long time, 5 hasn't she? 6 A. She has. 7 Q. What about Rhonda Brasher? Do you 8 know Rhonda Brasher? 9 A. I do. 10 Q. Been there for a long time, hasn't 11 she? 12 A. She has. 13 Q. Who had more experience as an account 14 executive, Rhonda Brasher or your son? 15 MS. BARLOTTA: Object to form. 16 A. Rhonda did. 17 Q. Safe to say that Cathy, Rhonda, 18 Yvette had substantially more experience as 19 account executive than your son? 20 MS. BARLOTTA: Object to form. 21 A. Yes. 22 Q. What about Brandi Russell? Do you 23 know her?</p>
<p>Page 142</p> <p>1 A. I'd have to check that. 2 Q. Last summer sometime? 3 A. No. He's been with us -- I'm sorry. 4 I misspoke. He's been with us two years. I 5 apologize. 6 Q. But he started the launch program 7 last summer? 8 A. Yes. 9 Q. Okay. I may have had that messed up. 10 Sorry about that, Mr. Cadden. 11 Well, who had more experience as 12 account executive, Yvette or Steele? 13 MS. BARLOTTA: Object to form. 14 A. Yvette. 15 Q. Did you know Cathy Cochran? 16 A. Cathy Cochran? Does she have a 17 different last name by chance? 18 Q. She may. She may have gotten 19 married. Russo? 20 A. Roussell? 21 Q. Roussell? 22 A. Yeah, I know Cathy. 23 Q. And who had more experience as</p>	<p>Page 144</p> <p>1 A. I do. She works for Rusty Hughes. 2 Q. Safe to say she had substantially 3 more experience as an account executive than your 4 son? 5 A. She did. 6 Q. Marie Powe, do you know her? 7 A. Maria, yes. 8 Q. Maria. Substantially more experience 9 as an account executive than your son? 10 A. Yes. 11 Q. Denise Lovoy? 12 A. Denisa, uh-huh (positive response). 13 Q. Substantially more experience as an 14 account executive than your son? 15 MS. BARLOTTA: Object to form. 16 A. Correct. 17 Q. Is it safe to say that these 18 individuals also had -- the women that I've just 19 named -- substantially more experience than Ross 20 Robertson, Charles Fisher, and Peyton? 21 MS. BARLOTTA: Object to form. 22 A. Yes. 23 Q. Do you know Andrea Sutton?</p>

<p style="text-align: right;">Page 145</p> <p>1 A. I do.</p> <p>2 Q. Is it fair to say that she had</p> <p>3 substantially more experience than all of the men</p> <p>4 that got to go to the launch program, Ross</p> <p>5 Robertson, Charles Fisher, Peyton, and your son?</p> <p>6 MS. BARLOTTA: Object to form.</p> <p>7 A. Yes, she has more experience.</p> <p>8 Q. Danielle Levingston, do you know her,</p> <p>9 Danielle Levingston?</p> <p>10 A. Yes.</p> <p>11 Q. Substantially more experience than</p> <p>12 your son, Steele Cadden, Charles Fisher, Peyton,</p> <p>13 and Ross Robertson?</p> <p>14 MS. BARLOTTA: Object to form.</p> <p>15 A. Yes.</p> <p>16 Q. Sarah Dunston, do you know her?</p> <p>17 A. I do.</p> <p>18 Q. Safe to say she has substantially</p> <p>19 more experience as an account executive than Ross</p> <p>20 Robertson, Charles Fisher, Peyton, and Steele</p> <p>21 Cadden?</p> <p>22 A. Oh, she's --</p> <p>23 MS. BARLOTTA: She's wasn't there.</p>	<p style="text-align: right;">Page 147</p> <p>1 MS. BARLOTTA: Yeah, but does it say</p> <p>2 that she's currently employed?</p> <p>3 MS. WILKINSON: That's what this list</p> <p>4 represents.</p> <p>5 MS. BARLOTTA: According to who?</p> <p>6 It's a list of people who were employed when</p> <p>7 Kathryn was there.</p> <p>8 Q. Do you know Spencer Whitlock?</p> <p>9 MS. BARLOTTA: No, no, no. Let's</p> <p>10 clear the record. I think that this was a list</p> <p>11 of the people that were there when Kathryn was</p> <p>12 there. So I don't know that there's a</p> <p>13 representation in sending this that she was</p> <p>14 employed at the time. So I just want to make</p> <p>15 that clear for the record.</p> <p>16 Q. Do you know Spencer Whitlock?</p> <p>17 A. I don't --</p> <p>18 Q. And that's okay if you don't know.</p> <p>19 A. I don't recall that name, but --</p> <p>20 Q. What about Amber Varner?</p> <p>21 A. I do know Amber Varner.</p> <p>22 Q. Substantially more experience than</p> <p>23 the four males?</p>
<p style="text-align: right;">Page 146</p> <p>1 A. She's no longer with the firm. She</p> <p>2 left to go pursue a job in London.</p> <p>3 Q. Good for her. When did she leave?</p> <p>4 A. I -- years ago.</p> <p>5 Q. Okay.</p> <p>6 A. And she was terribly missed, and we</p> <p>7 had high hopes for her.</p> <p>8 Q. So when did she leave?</p> <p>9 A. I couldn't tell you, but it's been</p> <p>10 years.</p> <p>11 Q. Like --</p> <p>12 A. Way pre-Covid.</p> <p>13 Q. Certainly before 2019?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. But she's on the list. So</p> <p>16 this was sent to the EEOC in 2020, so I'm not</p> <p>17 real sure why she's listed as a current employee.</p> <p>18 What about Spencer Whitlock, do you</p> <p>19 know Spencer Whitlock?</p> <p>20 MS. BARLOTTA: I don't know that</p> <p>21 she's listed on here as a current employee.</p> <p>22 MS. WILKINSON: I'm looking right at</p> <p>23 her, Sarah Dunston.</p>	<p style="text-align: right;">Page 148</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 A. She's been there longer, yes.</p> <p>3 Q. Tonya Vance, do you know Tonya?</p> <p>4 A. She's got to have a different last</p> <p>5 name. I'm not sure who Tonya Vance is.</p> <p>6 Q. Okay. Andrea Moore?</p> <p>7 A. I don't -- where do you see Andrea</p> <p>8 Moore, ma'am? I'm sorry. I don't see it.</p> <p>9 Q. That's okay. If you don't know them,</p> <p>10 that's okay, Mr. Cadden. I'm just asking about</p> <p>11 if you know --</p> <p>12 A. I should know them, so I don't see</p> <p>13 her. Andrea Moore?</p> <p>14 Q. Tiffany Sanders, do you know her?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Does she have substantially</p> <p>17 more experience than the four male employees?</p> <p>18 MS. BARLOTTA: Object to form.</p> <p>19 Q. As an account executive?</p> <p>20 A. I'm not sure how long she's been with</p> <p>21 the company.</p> <p>22 Q. Since 2018.</p> <p>23 MS. BARLOTTA: Object to form.</p>

<p style="text-align: right;">Page 149</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Do you know Mandy Pender?</p> <p>3 A. I do.</p> <p>4 Q. And she has substantially more</p> <p>5 experience as an account executive than the four</p> <p>6 males that got to go to the launch program?</p> <p>7 MS. BARLOTTA: Object to form.</p> <p>8 A. Yes.</p> <p>9 Q. Does this concern you, that I've just</p> <p>10 named off thirteen, fourteen women with</p> <p>11 substantially more experience as account</p> <p>12 executives than these four men who got to go to</p> <p>13 the launch program?</p> <p>14 MS. BARLOTTA: Object to form.</p> <p>15 A. No.</p> <p>16 Q. Does that indicate to you that there</p> <p>17 might be a problem with gender discrimination?</p> <p>18 MS. BARLOTTA: Object to form.</p> <p>19 A. No.</p> <p>20 Q. Or that out of the fifteen account</p> <p>21 executives, only two are men?</p> <p>22 MS. BARLOTTA: Object to form.</p> <p>23 Q. On this chart?</p>	<p style="text-align: right;">Page 151</p> <p>1 A. I have not.</p> <p>2 Q. Have you talked with any of the</p> <p>3 individuals about their deposition testimony?</p> <p>4 A. I have not.</p> <p>5 MS. WILKINSON: Okay. Let's take a</p> <p>6 break for just a minute and let me regroup on my</p> <p>7 thoughts, and then I'm probably close to being</p> <p>8 finished, certainly sooner than I thought.</p> <p>9 MS. BARLOTTA: Yeah.</p> <p>10 MS. WILKINSON: So we'll get Rachel</p> <p>11 home before time for her to have childcare.</p> <p>12 MS. BARLOTTA: Thank you.</p> <p>13 VIDEOGRAPHER: We are taking a break.</p> <p>14 The time is 4:08.</p> <p>15 (Whereupon, a brief recess was</p> <p>16 taken.)</p> <p>17 VIDEOGRAPHER: We are back on the</p> <p>18 record. The time is 4:23.</p> <p>19 MS. WILKINSON: Mr. Cadden, I don't</p> <p>20 have anything else.</p> <p>21 MS. BARLOTTA: Great.</p> <p>22 THE WITNESS: Awesome.</p> <p>23 MS. WILKINSON: Further deponent</p>
<p style="text-align: right;">Page 150</p> <p>1 A. No.</p> <p>2 Q. Okay. Why doesn't that indicate to</p> <p>3 you that there could be a gender problem?</p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 A. It just doesn't. I mean, it just</p> <p>6 doesn't.</p> <p>7 Q. What if I flipped it and said all</p> <p>8 these thirteen, fourteen women are actually black</p> <p>9 employees who had more experience than four white</p> <p>10 employees that got to go to the launch program,</p> <p>11 substantially more experience, would that</p> <p>12 indicate to you that there could be a racial</p> <p>13 problem?</p> <p>14 MS. BARLOTTA: Object to form.</p> <p>15 A. No. I -- no.</p> <p>16 Q. Okay. Fair enough.</p> <p>17 Mr. Cadden, have you seen any of the</p> <p>18 discovery responses that Kathryn Hendrix</p> <p>19 submitted in this lawsuit?</p> <p>20 A. I have not.</p> <p>21 Q. Okay. Have you reviewed any of the</p> <p>22 deposition testimony of any of the individuals</p> <p>23 who were deposed before you?</p>	<p style="text-align: right;">Page 152</p> <p>1 saith not.</p> <p>2 VIDEOGRAPHER: This concludes our</p> <p>3 deposition. The time is 4:23.</p> <p>4</p> <p>5 FURTHER DEPONENT SAITH NOT</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

<div>1 CERTIFICATE</div> <div>2</div> <div>3 STATE OF ALABAMA)</div> <div>4 JEFFERSON COUNTY)</div> <div>5</div> <div>6 I HEREBY CERTIFY that the above</div> <div>7 and foregoing transcript was taken down by me in</div> <div>8 stenotype, and the questions and answers thereto</div> <div>9 were transcribed by means of computer-aided</div> <div>10 transcription, and that the foregoing represents</div> <div>11 a true and correct transcript of the testimony</div> <div>12 given by said witness.</div> <div>13 I FURTHER CERTIFY that I am</div> <div>14 neither of counsel, nor of any relation to the</div> <div>15 parties to the action, nor am I anyway</div> <div>16 interested in the result of said cause.</div> <div>17 </div> <div>18 /s/Tanya D. Cornelius</div> <div>19 TANYA D. CORNELIUS, RPR</div> <div>20 ACCR #378 Expires 10/1/2024</div> <div>21 Notary Expires 9/13/26</div> <div>22</div> <div>23</div>	

Please return the signature page, correction sheet, and transcript within 30 days. The list of corrections will be attached to the original deposition and all parties will be notified of any changes.

Thank you for your prompt attention to this matter.

Sincerely,

Tanya Cornelius
Certified Court Reporter

WITNESS SIGNATURE PAGE

In Re: Read and sign of Video Deposition of John Cadden

I, _____, hereby certify that I have read the foregoing transcript of my deposition and it is a true and correct transcript of the testimony given by me at the time and place stated with the corrections, if any, and the reasons therefore noted on a separate sheet of paper and attached hereto.

Video Deposition of John Cadden

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 202____.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

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